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BACKGROUND INFORMATION

RELATING TO

PEACE AND SECURITY IN SOUTHEAST ASIA AND OTHER AREAS

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE



JANUARY 1970

Printed for the use of the Committee on Foreign Relations

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Preface by Senator J. W. Fulbright, Chairman, Committee on Foreign Relations

This collection of background information has been prepared to facilitate the consideration by the Committee on Foreign Relations of the various bills and resolutions pending before it relating to Southeast Asia and other areas.

In carrying out its Constitutional responsibilities in the formulation of foreign policy, the Senate has a duty to look to both the future and the past. It must continually reappraise its past actions in the light of today's conditions as well as help chart a foreign policy for the future.

I think it will be instructive for the Senate and the executive branch to recall the emphasis on consultation and prior congressional approval in the so-called troops-to-Europe resolution of 1951 as shown in these quotations from the Senate Report:

> * * * [Paragraph 3 concerning consultation] expresses the sense of the Senate that before the President, as Commander in Chief of the Armed Forces, sends ground troops to Europe under article 3 of the North Atlantic Treaty, he should consult the congressional committees primarily concerned with the formulation of foreign and military policies. The joint committee believes that, in such important matters which involve the security of the United States and world peace, the Congress should be kept informed of developments and should be in a position to participate in the formulation of major policy steps.[1]
>
> * * * * * * *
>
> The term "congressional approval" as used in paragraph 6 is subject to different interpretations. On the one hand, some members of the joint committee expressed the view that congressional approval could only be given by formal legislation. Others believed that both the letter and the spirit of paragraph 6 might be met in certain circumstances, as the result of consultation by the administration with, and the approval of, the appropriate committees of the Congress, In any event, it should be noted that the resolution expresses the sense of the Senate that congressional approval should be given; it is not a legislative mandate.[2]

It is also useful to recall the tight controls exercised at one time by the Congress on foreign aid spending in a tinderbox area—namely the Middle East of 1957.

> The authorization in the Middle East Resolution of $200 million in additional funds for military and economic assistance was subject to the proviso that obligations incurred in carrying out the purposes of the first sentence of section 2 of this joint resolution shall be paid only out of appropriations for military assistance, and obligations incurred in carrying out the purposes of the first section of this joint resolution shall be paid only out of appropriations other than those for military assistance. This authorization is in addition to other existing authorizations with respect to the use of such appropriations. None of the additional authorizations contained in this section shall be used until fifteen days after the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committees on Appropriations of the Senate and the House of Representatives and, when military assistance is involved, the Committees on Armed Services of the Senate and the House of Representatives have been furnished a report showing the object of the proposed use, the country for the benefit of which such use is intended, and the particular appropriation or appropriations for carrying out the provisions of the Mutual Security Act of 1954, as amended, from which the funds are proposed to be derived. * * *[3]

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[1] Page 33.
[2] Page 34.
[3] Pages 42–43.

On the other hand, it is also good for the Senate to be reminded of the vagueness and difficulty of definition of some of its enactments, as for instance the Formosa resolution as described in the committee report, as follows:

> Indeed, the resolution is broad enough in its language so that the President, if he finds it necessary, might take appropriate action in the area in the event Chinese Communist forces should be grouped in such a way as to present a clear and immediate threat to the security of Formosa or the Pescadores. This resolution would be indicative of congressional support for such action.

Or the words of the Middle East resolution—

> The United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end, if the President determines the necessity thereof, the United States is prepared to use armed forces to assist any nation or group of such nations requesting assistance against armed aggression from any country controlled by international communism: *Provided*, That such employment shall be consonant with the treaty obligations of the United States and with the Constitution of the United States.

How, or by whom, is it to be determined whether a country is "controlled by international communism"?

The escalation of the war in Vietnam, subsequent to passage of the Southeast Asia Resolution, and without proper consultation with the Congress, demonstrates the dangers inherent in the broad and vague grants of authority contained in the area security resolutions now on the statute books. It is appropriate and timely for the Senate to review these resolutions in the light of present day circumstances.

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PEACE AND SECURITY IN SOUTHEAST ASIA AND OTHER AREAS

A. Pending resolutions relating to peace and security in Southeast Asia and other areas

1. S. 3000 [1]

A BILL To amend the Foreign Assistance Act of 1961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vietnam Disengagement Act of 1969."

SEC. 2. (a) Congress finds that the broad foreign policy interests of the United States require that the American military presence in Vietnam be removed at the earliest possible time, and that such action will promote the social and political well-being of the people of South Vietnam; that the prosecution of the war in Vietnam with American troops must be ended, not merely reduced; that the loss of American lives in Vietnam can be halted only by establishing a clear timetable for terminating American combat operations and withdrawing American troop commitments in the near future; and that the responsibility for ending the American involvement in Vietnam is not the President's alone, but must be shared by the Congress under its constitutional authority to "raise and support armies" and to "declare war."

(b) It is the purpose of this Act—

(1) to reassert the responsibility of Congress, under its constitutional authority to "raise and support armies" and "declare war," to share with the President the task of extricating this Nation from the Vietnam war; and to involve Congress in setting a clear and unequivocal timetable for the withdrawal of American troops from Vietnam;

(2) to express the clear intent of Congress that all American military personnel be withdrawn from Vietnam on or before December 1, 1970; so that the retention even of noncombat military training personnel in Vietnam after that date would not be permitted without the enactment by Congress of further legislation specifically approving such retention; and

(3) to give clear notice to the Government of South Vietnam that following December 1, 1970, it must assume the burden of fighting; and to permit the withdrawal of American military personnel and the assumption of their combat functions in an orderly fashion on a schedule set by the President with a required termination date of December 1, 1970.

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[1] Senators Goodell and McGovern, October 7, 1969.

SEC. 3. Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 620A. PRESENCE IN VIETNAM.—No part of any amount authorized to be appropriated under any Act shall be used after December 1, 1970, to maintain military personnel of the United States in Vietnam."

Department of State Comments

WASHINGTON, D.C., *December 4, 1969.*

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of October 13 enclosing copies of Senate Bill 3000 and requesting the views of the Executive Branch on this bill.

We are opposed to passage of this bill, which in effect seeks to legislate an end to the war through a prohibition on the use of appropriated funds to maintain American military personnel in Viet-Nam beyond December 1, 1970. Not only do we consider that this would be an unwise approach to a complex and vital foreign policy problem, but we believe passage of such a bill would undermine our efforts to obtain a just peace in Viet-Nam.

By setting an arbitrary date for the complete withdrawal of U.S. military forces, this bill implicitly rejects our fundamental, long-standing, and widely accepted goal in Viet-Nam—the assurance of self-determination for the South Vietnamese people. We obviously cannot maintain that goal and at the same time commit ourselves beforehand to the total withdrawal of our troops by a certain date regardless of whether or not that goal is achieved.

We intend to have our troops out of Viet-Nam as quickly as possible consistent with this basic goal. As the President said in his news conference on September 26:

"* * * if the Administration were to impose an arbitrary cutoff time * * * for the complete withdrawal of American forces * * *, that inevitably leads to perpetuating and continuing the war until that time and destroys any chance to reach the objective I am trying to achieve of ending the war before the end of 1970. * * * I also believe that (proposals such as this one) inevitably undercut and destroy the negotiating position we have in Paris * * * any incentive for the enemy to negotiate is destroyed if he is told in advance that if he just waits for 18 months we will be out anyway."

We believe, therefore, that passage of this bill would not serve our country's best interests, and we urge its rejection.

Sincerely yours,

H. G. TORBERT, JR.,
Acting Assistant Secretary
for Congressional Relations.

2. SENATE RESOLUTION 268 [1]

RESOLUTION Expressing the sense of the Senate that certain measures should be taken by the Government of South Vietnam

Resolved, That it is the sense of the Senate that the Government of South Vietnam should promptly be urged to take the following steps within the next sixty days:

(1) Grant liberty and amnesty to all of those presently held in custody as political prisoners;

(2) Lift the censorship of all communications media, foreign and domestic, including especially those newspapers which have been closed down;

(3) Permit political parties the freedom to organize and operate without governmental controls; and

(4) Present a plan for a provisional government, broadly representative of the main political, ethnic, and religious groups of South Vietnam, whose principal functions will be to maintain government effectively during the transition from war to peace; and be it further

Resolved, That it is the sense of the Senate that if each of these conditions is not satisfied, in whole or in substantial part, then the United States should declare officially that its commitment to the present Government of South Vietnam is ended, and that with all responsible haste it will terminate its military, political, and economic assistance to that Government.

Department of State Comments

WASHINGTON, D.C., *December 4, 1969.*

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of October 13 enclosing copies of Senate Resolution 268 and requesting the views of the executive branch on this resolution.

This resolution would make continuation of United States involvement in Viet-Nam contingent upon two steps by the Government of the Republic of Viet-Nam: (1) instituting certain political liberalization measures within the next 60 days; and (2) presenting a plan for a broad provisional government. In our view, the resolution ignores the substantial political progress already made by the South Vietnamese government, as well as the reasonable proposals for a peaceful settlement which that government has made in recent months.

We are of course interested in seeing the Vietnamese make rapid progress in the field of political liberalization. At the same time we realize the problems they face in doing so under difficult and unusual wartime conditions. We nevertheless will continue to encourage their efforts in this regard and to make our views known. However, we cannot impose on the South Vietnamese our own idea of what their government should be, and we believe an ultimatum to the Vietnamese government such as this resolution implies would be neither proper

---

[1] Senators Hughes, Church, Cranston, Eagleton, Hatfield, McCarthy, McGovern, Mondale, Yarborough, and Young of Ohio, October 8, 1969.

nor useful as a means of furthering the common search for peace in which our two countries are engaged.

This resolution apparently reflects a misunderstanding of our basic purpose in Viet-Nam. We are not fighting there to maintain in power any individual, group, or government. Our goal is self-determination for the people of South Viet-Nam, so that they can choose their own government freely. Both we and the present Government of the Republic of Viet-Nam have pledged to accept that choice and have made reasonable proposals for elections in which all South Vietnamese could participate in order to determine it.

The authorities in Hanoi are prolonging the war and refusing to engage in serious negotiations because they hope we can be forced to abandon this principle of self-determination. We believe the rejection of this resolution will help destroy that false hope and enhance the prospects for meaningful negotiations and an early peace.

Sincerely yours,

H. G. Torbert, Jr.,
Acting Assistant Secretary
of Congressional Relations.

3. SENATE RESOLUTION 270 [1]

RESOLUTION Expressing the sense of the Senate relative to the Vietnam war

Resolved, The Senate of the United States takes cognizance that:

(1) It is the duty of the Senate to give advice and consent to the Executive in the conduct of foreign affairs. In view of the continuing war in Vietnam, the exercise of such responsibility is the highest form of service to be performed.

(2) The war in Vietnam was caused by no one man and no one party, but it is the responsibility of all men and both parties to bring the war to an end. In the past five years, some forty thousand American soldiers have died. Since the beginning of this year, more than eight thousand American fighting men have been killed. In light of the thousands of lives being lost, there can be no moratorium on discussion and no halt to the necessity for leadership in terminating further American participation in the combat.

(3) The President has taken a step in the right direction by his announced withdrawal of sixty thousand American troops. But this is only a small beginning to what must be done to extricate the United States from this war. At the present rate of withdrawal, American troops will be engaged in Vietnam for the next eight to ten years. The policy of the United States can no longer wait upon the pleasure of either Saigon or Hanoi.

(4) The future of South Vietnam must be shaped by the will of the South Vietnamese. The continued presence of United States military forces can only postpone the political accommodations essential to ending the conflict; and be it further

Resolved, That in the sense of the Senate that, having furnished South Vietnam with an American shield for the past five years to allow for the development of its political and military capacities, the time has arrived for the people of South Vietnam to take charge of their own destiny; and be it further

---

[1] Senators Church and Hatfield, October 8, 1969.

Resolved, That this can be accomplished only through a more rapid withdrawal of American troops, and a commitment by the United States to fully disengage from South Vietnam, pending such reasonable interval as may be necessary to effect an orderly transition on the battlefield, and provide for the safety of American troops and those who may wish to leave with them.

Department of State Comments

WASHINGTON, D.C., *December 4, 1969.*

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate,

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of October 13 enclosing copies of Senate Resolution 270 and requesting the views of the Executive Branch on this resolution.

We would be opposed to passage of this resolution. We certainly agree with the resolution's statement that the people of South Viet-Nam must take charge of their own destiny; this has been, and continues to be, our fundamental objective in Viet-Nam. We do not agree, however, that this can be achieved "only" through a more rapid withdrawal of American troops and a commitment by the United States to fully disengage from South Viet-Nam, as the resolution further states.

It has been the attempt by North Viet-Nam to impose its own solution by force of arms on the people of South Viet-Nam that accounts for our troops being there. We feel that the goal of self-determination for the South Vietnamese can only be achieved by the mutual withdrawal of all non-South Vietnamese forces, and we have repeatedly proposed this to those on the other side. It is the other side's refusal to accept this basic and reasonable principle that prevents a more rapid withdrawal of United States forces from Viet-Nam.

We do not agree that the presence of our forces postpones the political accommodations [sic] essential to ending the conflict. Both we and the Government of the Republic of Viet-Nam have made reasonable and forthcoming proposals for political settlement of this conflict in a manner fully consistent with the principle of self-determination for all the South Vietnamese people. Again, it is the other side's refusal even to consider these proposals that is the real obstacle to political accommodation and an honorable political settlement.

We intend to withdraw our combat troops as rapidly as possible, but we must do this in such a way as to support our fundamental objective of self-determination and our negotiating proposals and other actions designed to achieve it. In our view the much more limited conditions and requirements for withdrawal which the resolution proposes would not support that objective and those actions and would make far more difficult our efforts to obtain a just and lasting peace in Viet-Nam.

The authorities in Hanoi are prolonging the war and refusing to engage in serious negotiations because they hope we will abandon the principle of self-determination and withdraw precipitately from Viet-Nam. The rejection of this resolution will help destroy that false hope

and enhance the prospects for meaningful negotiations and an early peace.

Sincerely yours,

H. G. TORBERT, Jr.,
Acting Assistant Secretary
for Congressional Relations.

4. SENATE CONCURRENT RESOLUTION 39 [1]

CONCURRENT RESOLUTION Relating to withdrawal of United States forces from Vietnam

Whereas the war in Vietnam has resulted in the loss of more than forty thousand American lives, in some two hundred and fifty thousand American casualties, in the depletion of American resources to the extent of over $100,000,000,000, and in inestimable destruction of Vietnamese life and property; and

Whereas the war stands today as the greatest single obstacle to efforts to focus the country's financial, human, and spiritual resources upon urgent domestic needs; and

Whereas spokesmen for the present administration have recognized that military victory cannot be achieved in Vietnam and have specifically defined United States policy to exclude that unattainable goal; and

Whereas the painful history of United States involvement in Vietnam exposes the futility of external attempts to create and sustain a viable, indigenous government, particularly when its leaders resist political and social reforms aimed at inspiring popular confidence and support; and

Whereas the leaders of South Vietnam have indicated, by action and deed, that their ambitions conflict with the interests of the United States in a prompt settlement of the conflict, and that they are unlikely to adopt a negotiating posture which might end the war so long as they are assured of all the United States support they need to prosecute it; and

Whereas the dominant result of policies relating the level of American presence to the capability or willingness of the South Vietnamese to fight the war themselves can only be the continued daily loss of life and limb by American servicemen, with no foreseeable conclusion; Now, therefore, be it

Resolved by the Senate (*the House of Representatives concurring*), That it is the sense of the Congress of the United States that all United States forces should now be withdrawn from Vietnam, the pace of the withdrawal to be limited only by steps to insure the safety of our forces, the mutual release of prisoners of war, and the provision of safety, through arrangement for amnesty or asylum in friendly countries, for those Vietnamese who might be endangered by our disengagement.

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[1] Senators McGovern, Church, Cranston,, Hughes, McCarthy, Ribicoff, Young of Ohio, Nelson, Moss, and Goodell, October 9, 1969.

Department of State Comments

WASHINGTON, D.C., *December 4, 1969.*

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of October 13 enclosing copies of Senate Concurrent Resolution 39 and requesting the views of the Executive Branch on this resolution.

We would oppose passage of this resolution. While we agree that the war in Viet-Nam has resulted in heavy burdens for our people, we do not believe the great majority of Americans would wish us to abandon our fundamental objective—that of self-determination for the South Vietnamese people—for the more limited goals this resolution implicitly sets in calling for more rapid withdrawal of American forces from Viet-Nam.

The resolution suggests the only requirements we should fix for withdrawal are the safety of our own forces, the release of prisoners, and amnesty or asylum for those Vietnamese endangered by our withdrawal. In our view the withdrawal of United States troops from Viet-Nam must be carried out in such a way as to help assure our goal of self-determination and to support our negotiating efforts designed to achieve it.

As the President said on May 14:

"What kind of a settlement will permit the South Vietnamese people to determine freely their own political future? Such a settlement will require the withdrawal of all non-South Vietnamese forces from South Vietnam and procedures for political choice that give each significant group in South Vietnam a real opportunity to participate in the political life of the nation.

"To implement these principles, I reaffirm now our willingness to withdraw our forces on a specified timetable. We ask only that North Vietnam withdraw its forces from South Vietnam, Cambodia and Laos into North Vietnam, also in accordance with a timetable.

"We include Cambodia and Laos to ensure that these countries would not be used as bases for a renewed war. The Cambodian border is only 35 miles from Saigon; the Laotian border is only 25 miles from Hue.

"Our offer provides for a simultaneous start on withdrawal by both sides; agreement on a mutually acceptable timetable; and for the withdrawal to be accomplished quickly.

"If North Vietnam wants to insist that it has no forces in South Vietnam, we will no longer debate the point—provided that its forces cease to be there, and that we have reliable assurances that they will not return."

In addition, as the President stated on November 3:

"We have adopted a plan which we have worked out in cooperation with the South Vietnamese for the complete withdrawal of all U.S. combat ground forces, and their replacement by South Vietnamese

forces on an orderly scheduled timetable. This withdrawal will be made from strength and not from weakness. As South Vietnamese forces become stronger, the rate of American withdrawal can become greater."

The authorities in Hanoi are prolonging the war and refusing to engage in serious negotiations because they hope we can be forced to abandon the principle of self-determination. We believe that the rejection of this resolution will help destroy that false hope and enhance the prospects for meaningful negotiations and an early peace.

Sincerely yours,

H. G. TORBERT, Jr.,
Acting Assistant Secretary
for Congressional Relations.

5. SENATE CONCURRENT RESOLUTION 40 [1]

CONCURRENT RESOLUTION To terminate Public Law 408 of the Eighty-eighth Congress (Gulf of Tonkin resolution), and for other purposes

Whereas the Armed Forces of the United States have been involved in warfare in Vietnam, pursuant to Public Law 408 of the Eighty-eighth Congress, on a scale resulting in the third highest combat fatalities in United States history; and

Whereas the Army of the Republic of Vietnam is being trained and equipped to take over from the United States forces in Vietnam; and

Whereas domestic and world conditions do not warrant further prolongation of the present United States combat involvement in Vietnam; and

Whereas the moral obligation the United States bears to the people of South Vietnam is to provide asylum for those whose lives would be endangered by our withdrawal: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should withdraw all American combat troops by the end of 1970; and be it

Resolved further, That upon such withdrawal, unless the President shall have previously determined that peace and security in Southeast Asia is reasonably assured pursuant to section 3 of Public Law 408 of the Eighty-eighth Congress, such joint resolution shall terminate on December 31, 1970; and be it

Resolved further, That it is the sense of the Congress that the remaining United States forces should be withdrawn in a reasonable time thereafter and that during this period steps should be taken by the United States in cooperation with the United Nations or other international organizations to provide asylum for those in South Vietnam whose lives would be endangered by such action.

---

[1] Senators Javits, Metcalf, and Pell, October 14, 1969.

Department of State Comments

WASHINGTON, D.C., *December 4, 1969.*

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of October 17 enclosing copies of Senate Concurrent Resolution 40 and requesting the views of the Executive Branch on this resolution.

We would oppose passage of this resolution, which seeks to establish the end of 1970 as the date both for a fixed deadline for withdrawal of all United States combat troops and for repeal of the Tonkin Gulf Resolution.

We believe that the establishment of a firm date for withdrawal of United States troops will not bring us closer to our goals in South Viet-Nam. The Administration hopes to withdraw United States combat troops from Viet-Nam as quickly as possible and has a plan for accomplishing this objective. Public revelation of a fixed timetable, however, would not contribute to the attainment of this objective. It would jeopardize our chances of obtaining a political settlement through negotiations and could interfere with the continuing orderly transfer of the United States share of combat to the South Vietnamese.

Further, we oppose the repeal of the Tonkin Gulf Resolution at this time. Certainly the Congress has the right to terminate this resolution if it chooses to do so. However, we do not believe that its termination would bring us any closer to peace. The Administration's commitment to terminate participation of American combat forces in the war is clear, and the basic objective of the proposed resolution, namely the disengagement of United States forces from the war, is already on the way to being achieved.

In addition, the existence of the Tonkin Gulf Resolution has consequences for Southeast Asia which go beyond the war in Viet-Nam. The question of its termination must be considered carefully in terms of our other international obligations in the area, particularly the Southeast Asia Collective Defense Treaty which the Tonkin Gulf Resolution specifically cites.

Sincerely yours,

H. G. TORBERT, JR.,
Acting Assistant Secretary
for Congressional Relations.

6. SENATE RESOLUTION 271 [1]

RESOLUTION

Peace in Vietnam

Resolved, That it is the sense of the Senate that the Government of North Vietnam and the National Liberation Front are urged to take promptly the following steps:

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[1] Senators Dole, Allott, Baker, Bellmon, Bennett, Boggs, Cannon, Cook, Cotton, Curtis, Dominick, Ervin, Fannin, Fong, Goldwater, Griffin, Gurney, Hansen, Hollings, Hruska, Jordan of Idaho, McGee, Mathias, Miller, Mundt, Murphy, Pearson, Percy, Saxbe, Scott, Smith of Maine, Smith of Illinois, Stevens, Thurmond, Tower, Jordan of North Carolina, and Dodd, October 13, 1969.

(1) acknowledge that a just and mutually agreed settlement is the best hope for lasting peace;

(2) show at the Paris peace talks the same flexibility and desire for compromise which the Allies have clearly demonstrated over the past year;

(3) agree to direct negotiations between representatives of the National Liberation Front and of the Government of the Republic of Vietnam as proposed by the latter;

(4) withdraw their insistence on Allied surrender through their demand for the overthrow of the Government of the Republic of Vietnam before genuinely free elections could be held; and

(5) provide information on the status of United States prisoners of war held in North Vietnam and by the National Liberation Front, and give evidence that these prisoners are being treated humanely in accordance with the provisions of the Geneva Convention; and be it further

Resolved, That it is the sense of the Senate that the United States must maintain its one fundamental goal in Vietnam of peace, with self-determination for the South Vietnamese people.

Department of State Comments

WASHINGTON, D.C., *December 4, 1969.*

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of October 14 enclosing copies of Senate Resolution 271 and requesting the views of the Executive Branch on this resolution.

We fully agree with this resolution, which reiterates our fundamental goal of self-determination for the South Vietnamese people and correctly places the blame for lack of progress toward peace on the communist side. It also notes correctly the flexibility our side has shown in attempting to reach a negotiated settlement, and it calls upon Hanoi to do the same.

The drafters of this resolution have recognized that Hanoi continues to remain inflexible in the hope that pressures in this country will force us to abandon our fundamental goal. This resolution, if endorsed by the Senate, could contribute greatly to an early and honorable settlement by making clear to the other side that the majority of the American people are firmly behind our present efforts to reach an honorable negotiated solution. We would greatly welcome such an endorsement.

Sincerely yours,

H. G. TORBERT, JR.,
Acting Assistant Secretary
for Congressional Relations.

7. SENATE RESOLUTION 275 [1]

RESOLUTION Relative to the intrusion of the Premier of North Vietnam into the affairs of the United States

Whereas the Premier of North Vietnam has publicly described the Vietnam moratorium in an open letter to the American people as "their fall offensive" aimed at forcing the United States "to withdraw completely and unconditionally" from Vietnam; and

Whereas the said Premier's letter to the American people is a blatant and insolent intrusion into the affairs of the American people: Now, therefore, be it

Resolved, That we abhor the attempt of Premier Phan Van Dong to associate Americans who demonstrate for peace with the cause of North Vietnam; and

Resolved further, That the Senate repudiates the Premier's letter and the intrusion which it represents into the constitutional right of Americans to assemble peacefully to petition their Government.

Department of State Comments

WASHINGTON, D.C., *December 4, 1969.*

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of October 17 enclosing copies of Senate Resolution 275 and requesting the views of the Executive Branch on this resolution.

We think a resolution such as this would be beneficial in that it would point out clearly to the Hanoi authorities that they are seriously mistaken if they equate demonstrations for peace here with support for their cause.

We must recognize that the leaders in Hanoi look upon disruption and dissent here as one of their best allies. Premier Pham Van Dong's letter is only one of the latest and most blatant attempts to exploit the yearning for peace which runs so strongly in our society. We believe the North Vietnamese should be disabused of their misconceptions about the meaning of dissent in our society, a concept which is totally alien to their own totalitarian outlook and experience.

Once the North Vietnamese realize that such dissent does not mean that the overwhelming majority of Americans have abandoned their desire for an honorable peace, the chances for a satisfactory negotiated settlement will be greatly increased. Such a settlement is our overriding goal, and we feel the proposed resolution would aid significantly in helping us achieve it.

Sincerely yours,

H. G. TORBERT, JR.,
Acting Assistant Secretary
for Congressional Relations

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[1] Senators Scott, Hatfield, and Mansfield, October 15, 1969.

8. SENATE CONCURRENT RESOLUTION 42 [1]

CONCURRENT RESOLUTION To terminate the joint resolution commonly known as the Gulf of Tonkin Resolution

Resolved by the Senate (the House of Representatives concurring), That, under the authority of section 3 of the joint resolution, commonly known as the Gulf of Tonkin Resolution and entitled "Joint resolution to promote the maintenance of international peace and security in southeast Asia", approved August 10, 1964 (78 Stat. 384), such joint resolution is terminated upon passage of this concurrent resolution.

Department of State Comments

WASHINGTON, D.C., *December 4, 1969.*

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of October 27 enclosing copies of Senate Concurrent Resolution 42 and requesting the views of the Executive Branch on this resolution.

We would oppose the passage of this resolution. While the Congress certainly has the right to terminate the Tonkin Gulf Resolution if it chooses to do so, we do not believe that its termination would bring us any closer to peace. The basic objective of the proposed resolution, namely the disengagement of United States forces from the war, is already on the way to being achieved through this Administration's current program of seeking a negotiated settlement and withdrawing United States combat forces on an orderly basis as the South Vietnamese are able to assume a greater share in their own self-defense.

The existence of the Tonkin Gulf Resolution also has consequences for Southeast Asia which go beyond the war in Viet-Nam. The question of its termination must be considered carefully in terms of our other international obligations in the area, particularly the Southeast Asia Collective Defense Treaty which the Tonkin Gulf Resolution specifically cites.

Sincerely yours,

H. G. TORBERT, JR.,
Acting Assistant Secretary
for Congressional Relations.

9. SENATE RESOLUTION 280 [2]

RESOLUTION Affirming the support of the Senate for the President's efforts to negotiate a just peace in Vietnam

Resolved, That the Senate affirms its support for the President in his efforts to negotiate a just peace in Vietnam, expresses the earnest

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[1] Mr. Young of Ohio, October 21, 1969.
[2] Senators Scott, Mansfield, Allen, Allott, Baker, Bennett, Boggs, Burdick, Byrd of Virginia, Byrd of West Virginia, Cook, Cotton, Curtis, Dodd, Dole, Dominick, Fong, Gravel, Griffin, Gurney, Hansen, Hatfield, Holland, Hruska, Jackson, Jordan of Idaho, McClellan, McGee, McIntyre, Mathias, Metcalf, Miller, Mundt, Packwood, Pearson, Percy, Proxmire, Randolph, Smith of Maine, Spong, Stevens, Talmadge, Thurmond, Tower, Williams of Delaware, and Young of North Dakota, November 7, 1969.

hope of the people of the United States for such a peace, calls attention to the numerous peaceful overtures which the United States has made in good faith toward the Government of North Vietnam, approves and supports the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government by means of free elections open to all South Vietnamese and that the United States is willing to abide by the results of such elections, and requests the President to call upon the Government of North Vietnam to join in a proclamation of a mutual cease-fire and to announce its willingness to honor such elections and to abide by such results and to allow the issues in controversy to be peacefully so resolved in order that the war may be ended and peace may be restored at last in Southeast Asia.

Department of State Comments

WASHINGTON, D.C., *December 4, 1969.*

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of November 12 enclosing copies of Senate Resolution 280 and requesting the views of the Executive Branch on this resolution.

We welcome this proposed resolution in its support of our fundamental objective in Viet-Nam and of President Nixon's efforts to negotiate a just peace which assures that objective—the right of self-determination for the people of South Viet-Nam. The resolution draws special strength from the fact that it is co-sponsored by the Majority and Minority leaders as well as by an impressive list of other distinguished Senators from both parties.

The authors of the resolution approve the United States' willingness to honor and be bound by the results of free elections open to all South Vietnamese, requests the President to seek agreement with the government of North Viet-Nam on a joint proclamation of a mutual cease-fire; and requests the President to call upon the government of North Viet-Nam to announce its willingness to honor such elections and to allow the issues in controversy to be resolved peacefully.

This is entirely in accord with the goals of this Administration. We are already committed to acceptance of the outcome of free elections and to peaceful settlement of the issues in dispute and have repeatedly urged this on the other side. Mutual cease-fire under international supervision was an element of the President's peace plan of May 14 and has been an integral part of our peace proposals since then.

Endorsement of this resolution by the Committee and the Senate would enhance the prospects for peace by demonstrating to those on the other side that our current efforts to reach an honorable settlement in Viet-Nam enjoy strong backing in the legislative as well as executive branch of our government and must be taken seriously as a basis for real negotiations.

Sincerely yours,

H. G. TORBERT, Jr.,
Acting Assistant Secretary
for Congressional Relations.

10. SENATE RESOLUTION 292[1]

RESOLUTION To express the sense of the Senate with respect to troop deployment in Europe

Whereas the foreign policy and military strength of the United States are dedicated to the protection of our national security, the preservation of the liberties of the American people; and the maintenance of world peace; and

Whereas the United States, in implementing these principles, has maintained large contingents of American Armed Forces in Europe, together with air and naval units, for twenty years; and

Whereas the security of the United States and its citizens remains interwoven with the security of other nations signatory to the North Atlantic Treaty as it was when the treaty was signed, but the condition of our European allies, both economically and militarily, has appreciably improved since large contingents of forces were deployed; and

Whereas the means and capacity of all members of the North Atlantic Treaty Organization to provide forces to resist aggression has significantly improved since the original United States deployment; and

Whereas the commitment by all members of the North Atlantic Treaty is based upon the full cooperation of all treaty partners in contributing materials and men on a fair and equitable basis, but such contributions have not been forthcoming from all other members of the organization; and

Whereas relations between Eastern Europe and Western Europe were tense when the large contingents of United States forces were deployed in Europe but this situation has now undergone substantial change and relations between the two parts of Europe are now characterized by an increasing two-way flow of trade, people, and other peaceful exchange; and

Whereas the present policy of maintaining large contingents of United States forces and their dependents on the European Continent also contributes further to the fiscal and monetary problems of the United States: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that, with changes and improvements in the techniques of modern warfare and because of the vast increase in capacity of the United States to wage war and to move military forces and equipment by air, a substantial reduction of United States forces permanently stationed in Europe can be made without adversely affecting either our resolve or ability to meet our commitment under the North Atlantic Treaty;

(2) S. Res. 99, adopted in the Senate, April 4, 1951, is amended to contain the provisions of this resolution and, where the resolutions may conflict, the present resolution is controlling as to the sense of the Senate.

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[1] Senators, Mansfield, Gravel, Randolph, Talmadge, Hughes, Kennedy, Fulbright, Byrd of West Virginia, Muskie, Symington, Sparkman, Young of Ohio, Proxmire, Inouye, Hart, Williams of New Jersey, Pastore, Cannon, Moss, Yarborough, Mondale, Ellender, Harris, Burdick, Hatfield, Young of North Dakota, Aiken, Bayh, Boggs, Church, Cook, Cranston, Dominick, Goodell, Hollings, Jordan of Idaho, Long, McGovern, Metcalf, Nelson, Pearson, Saxbe, Schweiker, Tydings, Magnuson, Eagleton, Williams of Delaware, Hartke, Packwood, and Cotton, December 1, 1969.

COMMENTS

(Inasmuch as the Department of State comments, requested on December 4, had not been received when this publication went to press, a statement by Senator Mansfield on Jan. 24, 1970 is reproduced.)

SENATE RESOLUTION 292—U.S. FORCES IN EUROPE[1]

Mr. MANSFIELD. Mr. President, in the New York Times of January 21, 1970, on page 4, there is published an excerpt from a speech by Under Secretary of State Richardson in Chicago, telling us how the European countries, our allies, especially Germany, are hoping to offset the balance-of-payments drain on our military deployment in Europe and how we are exploring ways and means of making this arrangement more adequate.

In that same issue of the New York Times, on page 64, an article states that Germany has just cashed in prematurely a billion marks' worth of U.S. Treasury bonds purchased in 1968 to offset the drain caused by the stationing of American troops in West Germany.

Mr. President, I ask unanimous consent to have the article entitled "Germany recalls Bonds of United States Early" printed in the RECORD.

(There being no objection, the article was ordered to be printed in the RECORD, as follows:)

GERMANY RECALLS BONDS OF UNITED STATES EARLY

FRANKFURT, WEST GERMANY, January 20.—The Bundesbank disclosed today that it has prematurely recalled a billion marks of United States Treasury Bonds purchased in 1968 to offset the dollar drain caused by the stationing of American troops in West Germany.

Under the 1968 offset agreement with the United States Government, West Germany had acquired $500-million worth of 4½-year Treasury bonds for 2 billion marks.

The premature recall was made to help increase the West German Central Bank's own liquidity in foreign currency, a Bundesbank official explained.

Because of the inflow of dollars resulting from the transaction, West German foreign currency reserves increased 536,400,000 marks to 5,928,891,000 marks on balance in the week ended Jan. 15, Bundesbank reported.

Mr. MANSFIELD. Mr. President, on yesterday, the President of the United States delivered his state of the Union message to a joint session of the Congress.

It was a fine message. It was a message with a lot of merit to it. Certainly the meat will be there when the specifics are forthcoming to cope with the recommendations and goals, which President Nixon has outlined.

During the course of that speech he said, speaking of foreign policy:

"Today, let me describe the directions of our new policies.

"We have based our policies on an evaluation of the world as it is, rather than as it was twenty-five years ago at the end of World War II. Many of the policies which were necessary and right then are obsolete today.

"Then, because of America's overwhelming military and economic strength, the weakness of other major free world powers and the inability of scores of newly independent nations to defend—let alone govern—themselves, America had to assume the major burden for the defense of freedom in the world.

"In two wars, first in Korea and then in Vietnam, we furnished most of the money, most of the arms and most of the men to help others defend their freedom.

"Today the great industrial nations of Europe, as well as Japan, have regained their economic strength, and the nations of Latin America—and many of the nations that acquired their freedom from colonialism after World War II in Asia and Africa—have a new sense of pride and dignity, and a determination to assume the responsibility for their own defense.

"That is the basis of the doctrine I announced at Guam."

If I may interpolate there, the Guam declaration formed the basis of the Nixon doctrine, which I wholeheartedly endorse and which I was pleased to see the President announce yesterday applied not only to Asia but to the rest of the world as well.

Continuing the President's remarks:

"Neither the defense nor the development of other nations can be exclusively or primarily an American undertaking;

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[1] Congressional Record, January 24, 1970, pp. S491–S495.

"The nations of each part of the world should assume the primary responsibility for their own well-being; and they themselves should determine the terms of that well-being.

"To insist that other nations play a role is not a retreat from responsibility, but a sharing of responsibility.

"We shall be faithful to our treaty commitments, but we shall reduce our involvement and our presence in other nations' affairs."

Mr. President, to that I say, Amen.

Mr. President, on January 20, the Under Secretary of State, the Honorable Elliot L. Richardson, examined U.S. relations with Western Europe, in general, and the question of U.S. force levels in Europe, in particular, in an address before the Chicago Council on Foreign Relations. At the beginning of his speech, Mr. Richardson referred to the resolution I submitted to the Senate on December 1, Senate Resolution 292, which calls for "a substantial reduction of U.S. forces permanently stationed in Europe."

In introducing that resolution on December 1, I made a statement on the floor of the Senate setting forth the reasons that I thought justified a downward adjustment of the level of our forces in Europe. I pointed to the enormous costs involved in maintaining a Military Establishment of 3.5 million men under arms with 1.2 million men outside the United States and over 300,000 of these—together with 235,000 dependents and 14,000 U.S. civilian employees—in Western Europe. I pointed to the fact that our net foreign exchange gap with Germany is running at about $965 million a year, and I should note parenthetically that Mr. Richardson reminded his Chicago audience that—

"The balance-of-payments drain of our military deployment in Europe is currently about $1.5 billion a year."

I also pointed to the need to reduce our military budget from its present level of somewhere between $75 and $80 billion.

Mr. Richardson has now given the administration's arguments for maintaining the status quo, as far as our force levels in Europe are concerned. There are, of course, two sides to every argument. I presented one side on the Senate floor on December 1. The Under Secretary of State presented the other in Chicago on January 20. I hope that my colleagues in the Senate, those in the other body, and members of the public will examine the two sides of the argument closely.

In this connection, and in order to avoid repeating what I have already said on the floor of the Senate, I ask unanimous consent that the full text of Mr. Richardson's speech, and the full text of my December 1 statement, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. Cranston in the chair). Without objection, it is so ordered.

(See exhibit 1.[1])

Mr. MANSFIED. Mr. President, I consider it necessary to make a few comments today, on Mr. Richardson's speech, in order to make my position clear:

First of all, Mr. Richardson referred to Senate Resolution 292 as an expression of the "tendency by some to say that NATO has done its job so why not bring those troops home?" May I point out that Senate Resolution 292 is not an expression of a belief that "NATO has done its job" but, on the contrary, of a belief that the United States has been doing a disproportionate share of NATO's job and that the other 14 members of NATO are in a position to do more and should do so. Nor does Senate Resolution 292 urge that all U.S. troops be brought home but only that there be a "substantial reduction of U.S. forces permanently stationed in Europe."

Second, Mr. Richardson states that the effectiveness of the strategy of flexible reasons "rests perforce on the conviction in both parts of Europe that the United States will fufill its determined role." Mr. Richardson added that "the U.S. military presence in Europe, whether we like it or not, continues to be taken as tangible evidence of our commitment" and that "any sudden or dramatic reduction" of that presence would have "unpleasant consequences."

I would like to emphasize that Senate Resolution 292 neither states nor implies that we will not fulfill our NATO obligations. On the contrary, it affirms specifically that a substantial reduction of U.S. forces permanently stationed in Europe can be made without adversely affecting either our resolve or ability to meet our commitment under the North Atlantic Treaty. Furthermore, the resolution does not urge, and I have not urged, that such a substantial reduction be

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[1] Omitted in part.

either sudden or dramatic. Mr. Richardson did not argue against a sudden or dramatic reduction but against any reduction at all, for only a few paragraphs later he referred to the administration's having "pledged to maintain our present troop strength in Europe through fiscal year 1971."

Third, Mr. Richardson stated that if all of our forces in Europe were brought home and stationed in this country, little or no savings would appear in our defense budget. As I noted in my December 1 statement, however, it has always been argued that bringing a substantial number of forces back from Europe will not affect our defense budget because we cannot reduce the number of men under arms. But it is also argued that it is impossible to reduce the number of men under arms, among other reasons because of the need to maintain present force levels in Europe. I contended then, and I do so again now, that this endless circle, which will lead in the end to fiscal exhaustion, can and must be broken.

Fourth, Mr. Richardson referred to the possibility of negotiating with the Soviet Union and the countries of Eastern Europe mutual and balanced force reductions and said that the other reason the administration opposes Senate Resolution 292 is the firm belief that it would weaken our bargaining position.

Mr. President, NATO has been studying mutual and balanced forced reductions for years and has still not arrived at an agreed proposal. Even when such a proposal is formulated, there is no reason to assume that negotiations will begin for it is my understanding that there has been no indication that the Soviet Union is interested in such negotiations. And what if that continues to be the situation? Will we then be locked into maintaining our present force levels in Europe in perpetuity regardless of the costs involved or the wisdom of doing so in the light of our national interests?

In fact, the Soviets may not be willing to reduce the military presence in Eastern Europe no matter what the United States does or does not do because the level of that presence may well be dictated by political considerations within Eastern Europe. On the other hand, if that is not so, then U.S. reductions may be the most effective way to bring about Soviet reductions because the Soviet Union could no longer justify the presence of hundreds of thousands of Soviet troops in Eastern Europe on the ground that there were hundreds of thousands of American troops in Western Europe.

Fifth, Mr. Richardson stated that "the bulk of any substantial reduction in U.S. forces will have to be made up by West Germany, the most populous and wealthy of our allies." He went on to say that the German people and the Soviet Union do not favor a larger German military establishment and that such a development "would give pause even to some of Germany's allies."

I am not arguing that there should be a larger German military establishment than has been agreed to before but only that the West Germans meet their predetermined NATO commitments as we have met ours. I might say, parenthetically, that the same comment pertains to other NATO countries as well. The fact is that in terms of the percentage of armed forces to men of military age, in many NATO countries that percentage is not only below the 8.7 percent found in the United States but also below the 4-percent figure which applies to West Germany. And in all of the NATO countries that have compulsory military service—except Greece, Portugal, and Turkey—the period of service is shorter than it is in the United States. In the case of Canada, Luxembourg, and the United Kingdom, there is no compulsory military service at all. I would also like to point out that the United Kingdom with a population of 55.5 million, and Italy, with a population of 53.7 million, are almost as populous as West Germany with a population of 58.5 million. Furthermore, according to the Institute for Strategic Studies in London, Britain's 1969–70 defense budget of $5.4 billion was higher than Germany's 1969 defense budget of $5.3 billion. On the other hand, Italy's 1969 defense budget was only $1.9 billion.

Finally, it is all very well to talk about the "strength, closeness, trust, realism, and flexibility" of NATO, as Mr. Richardson did in his concluding paragraph. But it seems to me that there is a contrast between these words and the fact that the 250 million people of Western Europe, with tremendous industrial resources and long military experience, are unable to organize an effective military coalition to defend themselves against 200 million Russians, who are contending at the same time with 800 million Chinese, but must continue after 20 years to depend on 200 million Americans for their defense. The status quo has been safe and comfortable for our European allies. But, as I observed on December 1, it has made the Europeans less interested in their own defense, has distorted the relationship between Europe and the United States, and has resulted in a drain on our resources which has adversely affected our ability to deal with the urgent problems we face at home.

EXHIBIT 1

ADDRESS BY HON. ELLIOT L. RICHARDSON, UNDER SECRETARY OF STATE, BEFORE THE CHICAGO COUNCIL ON FOREIGN RELATIONS, CHICAGO, ILL.

I would like today to examine one of the most fundamental of our foreign policy concerns, and one which in some ways is too much taken for granted, if not overlooked—the United States relationship to Western Europe and Western European security.

In a reverse twist on the early days of the Republic when George Washington used to preach against yielding to "the insidious wiles" of Europe's influence, our basic ties to Western Europe are now so firmly established that commentary on the subject is regarded as a tiresome reaffirmation of the obvious.

Whereas President Washington warned that European controversies were "essentially foreign to our concerns" President Nixon was moved to observe on NATO's birthday last spring that many people now find NATO "quaint and familiar and a bit old fashioned."

To much of the public the purposes of NATO have the character of a cliche. The very climate of security which NATO has fostered has, perversely, seemed to permit many to disregard it or to think it obsolete. In the wake of the reexamination of foreign commitments occasioned by the Viet-Nam war, there is a tendency by some to say that NATO has done its job, so why not bring those troops home? In the U.S. Senate this feeling has taken concrete political expression in the form of a resolution introduced by Senator Mansfield, one of the most thoughtful students of America's role in world affairs. His resolution calls for "substantial reductions" of U.S. forces in Europe.

Meanwhile, Western Europe itself, prosperous, mostly democratic, stable, and probably more secure than at any time in its modern history, has been preoccupied with the inevitable problems that are the by-product of affluence and rapid economic growth. These concerns seem to have caused it to drift somewhat from the lofty goals of a Unified Europe and Atlantic partnership which gave a sense of mission to its leadership two decades ago.

On both sides of the Atlantic then, there are feelings of complacency and a restless anticipation of new events. The memory of Czechoslovakia is fading, the Brezhnev Doctrine is dimmer, and a reduced sense of danger merges with the feeling that new initiatives are both called for and inevitable. Perhaps in response to this atmosphere the Warsaw Pact nations, led by the Soviet Union, have called for the convocation of a European Security Conference, although—ironically—their suggested agenda would not even touch the basic issues of European security.

In this situation, it is, I think, worthwhile to take a fresh look at the suppositions on which our European policy rests, to examine its continuing validity, and to appraise frankly and realistically the proposals being made for change and adjustment.

Two World Wars have led the American people to perceive with great clarity that the security of the United States is directly linked to the security of Western Europe.

Pursuant to this belief, which was formalized in the North Atlantic Treaty of 1949, the United States has maintained a major military establishment on European soil since the early 1950's. U.S. nuclear power as well as conventional forces are available in support of this treaty commitment. Although Europe is now incomparably stronger than it was when this arrangement was first contracted, its ultimate security, like our own, continues to be linked to our power and nuclear deterrence. Because of this, one of President Nixon's first acts upon taking office was to reaffirm the American commitment to NATO and to promise close and continuing consultation within the Alliance.

Deterrence is a subtle concept. Its reality takes form largely in the minds of those who might be contemplating aggression. It is effective only when they conclude that any possible advantages of aggression would be offset by its predictable costs.

NATO's strategy of flexible response is calculated to insure that any potential aggressor would come to just this conclusion.

Our conventional forces are maintained in position in Europe to resist possible attack by Warsaw Pact formations. They are meant also to deter piecemeal aggression which an enemy might be tempted to conclude he could get away with if the only alternative to our capitulation were the unleashing of nuclear war.

These forces are supported by a broad arsenal of tactical nuclear weapons, available for use if the intensity of the aggression rises.

The entire effectiveness of the flexible response strategy rests perforce on the conviction in both parts of Europe that the United States will fulfill its determined role. And the United States military presence in Europe, whether we like it or not, continues to be taken as tangible evidence of our commitment.

We must face the fact, therefore, that any sudden or dramatic reduction in the United States miiltary presence in Europe would have unpleasant consequences of two kinds.

First, as a practical military matter, NATO's conventional defenses would be significantly weakened. Other NATO members might be tempted to follow suit and cut forces further. In the event of aggression, a less powerful NATO Alliance might be driven to resort more quickly to nuclear weapons.

Secondly, and of probably greater consequence, any sudden or major withdrawal of American forces would have a distinctly destabilizing affect on the European scene.

The structure of the Alliance, as indeed the entire structure of world order which we have helped erect since the war, rests in the final analysis on the shared confidence that we shall honor our commitments.

If that confidence is eroded a rapid deterioration can occur—a deterioration not unlike that which can send prices on the stock market plummeting. And for this reason it is doubly necessary that we not lightly or hastily make moves that might undermine confidence in the strength of our support. It is for this reason that we have pledged to maintain our present troop strength in Europe through Fiscal Year 1971.

Let me stress that none of this suggests that U.S. troops will have to remain in Europe at present strength forever and ever. Certainly we hope that future conditions will allow modifications of our role. Our current force level in Europe of 310,000 men already, in fact, represents a considerable drop from the peak of 408,000 in 1962 during the Soviet war of nerves on Berlin. We are also continually studying and trying to improve the means by which troops stationed in the United States can be rapidly returned to Europe in case of crisis. The Mansfield Resolution urges that greater use be made of this redeployment option.

Our studies show, however, that under present conditions front-line forces hastily returned to Europe in time of crisis could not carry out their mission with the same effectiveness as forces already in place. Although rapid redeployment of limited forces is feasible, large-scale efforts of this sort expose these forces to hazards and potential confusion.

Moreover, financial savings would be negligible. If, for example, all of our current forces in Europe were brought home and stationed in this country, little or no savings would appear in our defense budget. We might even have to spend a bit more, because we would lose significant financial advantages.

In Germany, the Federal Government makes land, housing, facilities and services available to our forces at no cost, or at reduced costs. Duplicating such facilities and support in the United States would involve a heavy and continuing expense—one roughly cancelling out savings in shortened supply lines and transportation costs to Europe.

The balance-of-payments drain of our military deployment in Europe is currently about $1.5 billion a year. This is unquestionably a large figure, and if our forces were returned to this country, many of those dollars would stay at home. The problem is partially neutralized, however, by offset arrangements with the European countries, particularly Germany and we are exploring means of making these arrangements more adequate. In addition, withdrawal of our force from Europe would be likely to evoke prompt countervailing effects, notably in reduced sales of military equipment to our Allies and in general exports to those countries.

If we have not neglected the consideration of means by which our presence in Europe could be streamlined or modified without damaging the essential structure of the Alliance, neither have we ignored the opportunities which the era of negotiation we have now entered may hold for the future. In this area we must also make meticulous and balanced judgments, taking care not to allow our efforts to bring about agreements with the Soviet Union to undermine our relations with our friends in Western Europe.

We must have a proper regard for the always latent fear that agreements will be reached detrimental to European interests. We cannot, of course, allow the existence of this fear to deter us from seeking to lower tensions. Ironically, in fact, there exists among a younger generation of Europeans the converse sus-

picion that the United States and the USSR are collaborators in the defense of the status quo. But we intend to do everything possible to allay such fears and suspicions by sticking strictly to our pledge to consult closely with our allies and take their interests into account as talks go forward. Only by such close consultation can we quiet the Cassandras who see every effort at US-Soviet rapprochement or even minor moves to adjust force levels as evidence of betrayal.

During the past year in-depth consultations have been held on a wide range of subjects, including the question of strategic arms limitations. The Deputy Foreign Ministers of the NATO governments, at President Nixon's suggestion, held the first of what we expect to be periodic reviews of major, long-range problems before the Alliance.

It is particularly important that there be the fullest consultations on the SALT talks. The very fact that these talks are going on has stimulated some uneasiness in Europe. It is well understood that the talks imply changing strategic relationships and that their success could further affect the situation. As President Nixon put it last spring: "The West does not have the massive nuclear predominance today that it once had, and any sort of broad-based arms agreement with the Soviets would codify the present balance."

Given the European sensitivities on SALT and nervousness about changing military relationships, it would seem wise not to compound anxieties at this time by any moves to reduce our troop strength on the continent.

While attempting to keep our allies abreast of our own negotiating activities, we are welcoming and encouraging their own efforts, particularly those of West Germany, to improve relations with the Soviet Union and the countries of Eastern Europe. One of the most promising areas of potential progress with the Eastern European nations lies, we believe, in reaching agreement on mutual and balanced East-West force reductions.

We are now working with our allies to develop models which could form the basis for such an agreement. The NATO countries Foreign Ministers, meeting last December, said in their Declaration that despite the fact that there had been no response on earlier suggestions, the Allies "will continue their studies in order to prepare a realistic basis for active exploration at an early date." They concluded their studies on the subject had already progressed sufficiently to permit the establishment of criteria which reductions should meet. They directed that further consideration also go forward on related measures such as advance notification of military movements or maneuvers, the exchange of observers at maneuvers, and the establishment of observation posts. This, we are convinced, is a constructive approach much more specifically directed at a concrete issue generating tension than the Warsaw Pact's vague proposal for a European Security Conference.

We hope the Warsaw Pact nations will respond. Realism, however, suggests that they will be less likely to respond if a unilateral reduction of U.S. forces appears in the offing anyway. The firm belief that it would weaken our bargaining position on balanced force reduction is thus another reason why the Administration opposes the Mansfield Resolution.

Among the questions raised by those who favor an immediate and substantial reduction of our forces in Europe is whether the burden of NATO defense is now fairly allocated. The prosperous Europeans should, they feel carry a much larger share of the defense of their own continent.

We agree—up to a point. The United States believes that our European allies can and should do more. We have told them often that if they increase their own efforts, it would help us to maintain ours. So even though they actually have increased their defense budgets to cover improvements in their forces, while our own defense budget has been declining, we have and are continuing to press them to assume a larger share of Europe's defense responsibilities.

A precipitate reduction of United States forces in Europe would, however, not only fail to stimulate additional European effort, it would probably produce the contrary effect. The bulk of any substantial reductions in U.S. forces would have to be made up by West Germany, the most populous and wealthiest of our NATO allies. But the German people do not relish an enlargement of their country's military establishment. Nor certainly does a Soviet Union still highly emotional about its 20 million World War II dead and enormously sensitive on the subject of German "revanchism." Indeed, it would give pause even to some of Germany's allies.

Any insignificant rise in the German defense effort could thus destroy Chancellor Brandt's constructive efforts to improve relationships with the Federal

Republic's Eastern neighbors and thereby halt the attempts to lay the foundation for a settlement of the issues still dividing Europe.

I spoke earlier of the fact that we did not want to suggest that the present number of U.S. troops in Europe was inviolate and could or would never be changed. We hope that conditions will eventually come about which will render their presence altogether unnecessary. But when such conditions do come, I feel certain they will be the result of hard and patient bargaining.

Back in 1948, when the Cold War was very cold indeed, Belgian Foreign Minister Paul Henri Spaak, addressing himself to the Soviets' Andre Vyshinsky at a UN Security Council session, said: "The basis of our policy today in Europe is fear. We are afraid of you. We are afraid of your government and we are afraid of the policies which you are pursuing."

Twenty-two years later tensions are lower and East and West are engaged in substantive discussions aimed at lowering them further. But the basic cement holding together the Alliance is still the threat from the East. The United States does not control the Alliance. When France chose to withdraw from NATO we could not prevent it from doing so. Unlike the Warsaw Pact which rests on an ideological base guarded and sanctified by the Soviet Union, NATO has no dogmatic underpinnings. There is no Western version of the Brezhnev Doctrine. When there is no more threat to the security of the nations of Western Europe, there will be no more need for NATO. And only when the confrontation in Europe truly ends and a genuine peace replaces the always precarious peace of mutual deterrence will the role of our troops be finally accomplished.

On another front, in response to the President's initiative, the Alliance has taken on a new dimension by creating a permanent Committee on the Challenges of Modern Society to help deal constructively with some of the most pressing problems common to all of its members—the problems of the environment.

The United States, meanwhile, continues to support the goal of a politically and economically integrated Europe. Despite the recent signs of drift economic integration has come far, and there are indications that new moves forward may be developing. The most ambitious of the Euopean regional arrangements—the European Community of the Six—has already gone beyond the earlier conception of international cooperation to a new form of relationship among nation states.

Since the EEC was established in 1958 its members have abolished tariffs among themselves, agreed upon important measures of the harmonization, instituted an ambitious common agricultural policy and removed most barriers to the free movement of capital and labor. As a group the Six have enjoyed significantly higher rates of economic activity, trade and growth than before 1958. Inter-Community trade has almost quadrupled. Since 1967 Community trade with the outside world has exceeded that of the United States.

The recent Summit Conference of the Six at the Hague and the success of the Council of Ministers of the Community in agreeing on a far-reaching plan for financing their common agricultural policy preface moves to perfect the economic union and extend it to new members in the next year or two. On the latter point, the interests of the United States are very much engaged, not only economically but militarily, for enlargement of the European communities to admit countries not committed to the defense of the West raises questions about the possibilities of political unity, and the underlying strength of the NATO Alliance itself.

The United States sees no conflict between the goal of European integration and the efforts now going forward to end the dangerous and increasingly anachronistic division of the Continent. We welcome the indication that dissatisfaction over the continuing gulf between the two halves of Europe is growing in the East as well. Stronger relationships in Western Europe itself can, we believe, facilitiate the building of stronger relationship with the East.

"I believe we must build an Alliance," the President has said, "strong enough to deter those who would threaten war; close enough to provide for continuous and far-reaching consultation; trusting enough to accept diversity of views; realistic enough to deal with the world as it is; flexible enough to explore new channels of constructive cooperation."

In the past year, I believe, we have strengthened the Alliance on each of these counts. Strength, closeness, trust, realism, flexibility—these will be useful assets as we move toward the new hopes and new possibilities of the "era of negotiation."

11. SENATE JOINT RESOLUTION 166 [1]

JOINT RESOLUTION To repeal legislation relating to the use of the Armed Forces of the United States in certain areas outside the United States and to express the sense of the Congress on certain matters relating to the war in Vietnam, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (1) the joint resolution of January 29, 1955 (69 Stat. 7), relating to the protection of the security of Formosa and the Pescadores, (2) section 2 of Public Law 85–7 (71 Stat. 5), relating to the use of the Armed Forces of the United States under certain circumstances to maintain peace in the Middle East, (3) the joint resolution of Cuba of 1962, Public Law 87–733 (76 Stat. 697), expressing the determination of the United States in relation to Latin America, and (4) Public Law 88–408 (78 Stat. 384), relating to the maintenance of international peace and security in Southeast Asia, are repealed effective with the sine die adjournment of the Ninety-first Congress.

SEC. 2. (a) There is hereby established a joint committee of the Senate and the House of Representatives to be known as the Joint Com- on the Termination of the National Emergency (hereinafter in this section referred to as the "joint committee") consisting of twelve members, as follows:

(1) six Members of the Senate, to be designated by the President of the Senate, three of whom shall be members of the Committee on Foreign Relations of the Senate; and

(2) six Members of the House of Representatives, to be designated by the Speaker of the House of Representatives, three of whom shall be members of the Committee on Foreign Affairs of the House of Representatives. The joint committee shall select a chairman and vice chairman from among its members.

(b) Vacancies in the membership of the joint committee shall not affect the authority of the remaining members to execute the functions of the joint committee.

(c) A majority of the members of the joint committee shall constitute a quorum thereof for the transaction of business, except that the joint committee may fix a lesser number as a quorum for the purpose of taking testimony.

(d) No legislative measure shall be referred to the joint committee, and it shall have no authority to report any such measure to the Senate or the House.

(e) The joint committee shall cease to exist upon the sine die adjournment of the second session of the Ninety-first Congress.

(f) It shall be the function of the joint committee to conduct a study and investigation with respect to the matter of terminating the national emergency proclaimed by the President of the United States on December 16, 1950, and announced in Presidential Proclamation Numbered 2914, dated the same date. In carrying out such study and investigation the joint committee shall—

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[1] Senators Mathias and Mansfield, December 8, 1969.

(1) consult and confer with the President and his advisers regarding the most effective method of terminating such national emergency;

(2) consider the problems which may arise as the result of terminating such national emergency; and

(3) consider what administrative or legislative actions might be necessary or desirable as the result of terminating such national emergency.

(g) The joint committee shall submit a report to the Congress as soon as practicable after the date of enactment of this joint resolution, but in no event later than the end of the Ninety-first Congress, setting forth the results of its study and investigation together with such recommendations as it deems appropriate.

(h) In carrying out its duties under this section, the joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings; to sit and act at such times and places; to take such testimony; to procure such printing and binding; and to make such expenditures as it deems advisable. The committee may make such rules respecting its organization and procedure as it deems necessary.

(i) The expenses of the joint committee shall be paid from the contingent fund of the Senate from funds appropriated for the joint committee, upon vouchers signed by the chairman of the joint committee or by any member of the joint committee duly authorized by the chairman. The cost of stenographic service to report hearings shall not exceed the amounts fixed by law for reporting the hearings of standing committees of the Senate.

SEC. 3. The Congress hereby declares its support of the President's efforts to achieve a political solution in Vietnam and of his plan for the accelerated withdrawal of all United States forces from South Vietnam and strongly urges that, in carrying out such plan, the President take appropriate action to seek the creation of an international peacekeeping force under the United Nations or appropriate Asian auspices to prevent further hostilities in the Republic of South Vietnam and to prevent reprisals against any people of that country following the withdrawal of United States forces.

SEC. 4. The Congress hereby urges South Vietnamese leaders representative of all political, religious, and ethnic groups in South Vietnam to initiate serious discussions designed to lead to the creation of a government capable of gaining popular support and sustaining a durable political order after the departure of United States forces.

SEC. 5. Congress hereby urges the President, as soon as practicable after the date of enactment of this joint resolution, to invite other nations to participate with the United States in the formulation of a plan for the reconstruction of war-ravaged areas in Southeast Asia through multilateral cooperation and to submit to the Congress as soon as possible recommendations for a United States contribution to such multilateral activity and to submit such proposals for legislation as may be necessary to implement such plan.

Department of State Comments

(As of the time this publication went to press the comments of the Department of State, requested on Dec. 11, 1969, had not been received.)

B. Relevant area resolutions

12. TROOPS TO EUROPE

(a) Senate Resolution 99, 82d Congress, agreed to April 4, 1951

RESOLUTION

Whereas the foreign policy and military strength of the United States are dedicated to the protection of our national security, the preservation of the liberties of the American people, and the maintenance of world peace; and

Whereas the North Atlantic Treaty, approved by the Senate by a vote of 82–13, is a major and historic act designed to build up the collective strength of the free peoples of the earth to resist aggression, and to preserve world peace; and

Whereas the security of the United States and its citizens is involved with the security of its partners under the North Atlantic Treaty, and the commitments of that treaty are therefore an essential part of the foreign policy of the United States; and

Whereas article 3 of the North Atlantic Treaty pledges that the United States and other parties thereto "separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack"; and

Whereas recent events have threatened world peace and as a result all parties to the North Atlantic Treaty are individually and collectively mobilizing their productive capacities and manpower for their self-defense; and

Whereas the free nations of Europe are vital centers of civilization, freedom, and production, and their subjugation by totalitarian forces would weaken and endanger the defensive capacity of the United States and the other free nations; and

Whereas the success of our common defense effort under a unified command requires the vigorous action and the full cooperation of all treaty partners in the supplying of materials and men on a fair and equitable basis, and General Eisenhower has testified that the "bulk" of the land forces should be supplied by our European allies and that such numbers supplied should be the "major fraction" of the total number: Now, therefore, be it

Resolved, That—

1. The Senate approves the action of the President of the United States in cooperating in the common defensive effort of the North Atlantic Treaty nations by designating, at their unanimous request, General of the Army Dwight D. Eisenhower as Supreme Allied Commander, Europe, and in placing Armed Forces of the United States in Europe under his command;

2. it is the belief of the Senate that the threat to the security of the United States and our North Atlantic Treay partners makes it necessary for the United States to station abroad such units of our Armed Forces as may be necessary and appropriate to contribute our fair share of the forces needed for the joint defense of the North Atlantic area;

3. it is the sense of the Senate that the President of the United States as Commander in Chief of the Armed Forces, before taking action to send units of ground troops to Europe under article 3 of the North Atlantic Treaty, should consult the Secretary of Defense and the Joint Chiefs of Staff, the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Armed Services Committees of the Senate and the House of Representatives, and that he should likewise consult the Supreme Allied Commander, Europe;

4. it is the sense of the Senate that before sending units of ground troops to Europe under article 3 of the North Atlantic Treaty, the Joint Chiefs of Staff shall certify to the Secretary of Defense that in their opinion the parties to the North Atlantic Treaty are giving, and have agreed to give full, realistic force and effect to the requirement of article 3 of said treaty that "by means of continuous and effective self-help mutual aid" they will "maintain and develop their individual and collective capacity to resist armed attack," specifically insofar as the creation of combat units is concerned;

5. the Senate herewith approves the understanding that the major contribution to the ground forces under General Eisenhower's command should be made by the European members of the North Atlantic Treaty, and that such units of United States ground forces as may be assigned to the above command shall be so assigned only after the Joint Chiefs of Staff certify to the Secretary of Defense that in their opinion such assignment is a necessary step in strengthening the security of the United States; and the certified opinions referred to in paragraphs 4 and 5 shall be transmitted by the Secretary of Defense to the President of the United States, and to the Senate Committees on Foreign Relations and Armed Services, and to the House Committees on Foreign Affairs and Armed Services as soon as they are received;

6. it is the sense of the Senate that, in the interests of sound constitutional processes, and of national unity and understanding, congressional approval should be obtained of any policy requiring the assignment of American troops abroad when such assignment is in implementation of article 3 of the North Atlantic Treaty; and the Senate hereby approves the present plans of the President and the Joint Chiefs of Staff to send four additional divisions of ground forces to Western Europe, but it is the sense of the Senate that no ground troops in addition to such four divisions should be sent to Western Europe in implementation of article III of the North Atlantic Treaty without further congressional approval;

7. it is the sense of the Senate that the President should submit to the Congress at intervals of not more than six months reports on the implementation of the North Atlantic Treaty, including such information as may be made available for this purpose by the Supreme Allied Commander, Europe;

8. it is the sense of the Senate that the United States should seek to eliminate all provisions of the existing treaty with Italy which impose limitations upon the military strength of Italy

and prevent the performance by Italy of her obligations under the North Atlantic Treaty to contribute to the full extent of her capacity to the defense of Western Europe;

9. it is the sense of the Senate that consideration should be given to the revision of plans for the defense of Europe as soon as possible so as to provide for utilization on a voluntary basis of the military and other resources of Western Germany and Spain, but not exclusive of the military and other resources of other nations.

(b) Legislative history

TROOPS TO EUROPE [1]

Background.—As a result of the President's announcement on September 9, 1950, that there would be a substantial increase in United States forces stationed in Western Europe and his announcement on December 19, 1950, of General Eisenhower's appointment as Supreme Allied Commander, Europe, a great deal of concern was expressed as to the nature and extent of American manpower contributions to the defense of Western Europe. A debate on foreign policy—the so-called great debate—was touched off immediately when the Eighty-second Congress convened. On January 8, 1951, Senator Wherry introduced Senate Resolution 8, which after 2 weeks of floor debate was referred to the Senate Foreign Relations and Armed Services Committees jointly.

Committee action.—The joint committee held its first meeting on the afternoon of February 1, 1951, to hear General Eisenhower in executive session after his report to a joint meeting of Congress on the situation in Europe. During the public hearings from February 15 until February 28, the preponderant weight of testimony endorsed the appointment of General Eisenhower and favored approval of the President's decision to send four additional divisions of American ground forces to Europe. Chairman Connally and Chairman Russell drafted a resolution giving voice to these sentiments, and this draft resolution was considered by the committees during the seven executive sessions that followed. A number of amendments were adopted, the most important of which were:

1. An amendment by Senator Lodge, predicating the despatch of additional U.S. troops upon a certification by the Joint Chiefs of Staff that the NATO countries are doing their utmost to develop their capacity for self-defense.

2. A second amendment by Senator Lodge, stating the Senate's understanding that the bulk of the troops for the NATO forces in Europe were to be supplied by our European partners and that United States troops would be assigned to Europe only after certification by the Joint Chiefs of Staff that such action was necessary and in the interests of United States security. Both certifications were to be transmitted to the appropriate Senate and House committees.

3. An amendment by Senator Smith of New Jersey, stating that, in the opinion of the Senate, congressional approval should

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[1] Legislative History of the Committee on Foreign Relations, 82d Cong., S. Doc. 82–161, pp. 21–23.

be obtained by the President before sending any divisions to General Eisenhower, under article 3 of the North Atlantic Treaty, and approving the sending of four additional divisions to Europe.

Before voting finally on the draft resolution, the committee discussed the question of what form the resolution should take. It was finally agreed to report a Senate resolution which would not require House concurrence for quick action, and a concurrent resolution which would in effect invite the House to participate in the decision. Both resolutions were identical in language except that the Senate resolution referred to "the Senate" while the concurrent resolution referred to "the Congress". On March 8, 1951, they were ordered reported as Senate Resolution 99 by a vote of 23 to 0 and as Senate Concurrent Resolution 18, by a vote of 16 to 8. A few days later the committee had another meeting to give final approval to the language of the resolutions.

Senate action.—The Senate began debate on the two resolutions on March 16, 1951, and approved them on April 4, 1951. The major issues in the debate revolved around the constitutional powers of the President and Congress with respect to the use of the Armed Forces and the over-all defense strategy for the free world. On the constitutional question the debate centered on whether or not the President has the power to send United States ground forces to Europe to participate in an "international army" without specific congressional authorization. A further point in the discussion involved the interpretation of article 3 of the North Atlantic Treaty relative to the development of individual and collective capacity to resist armed attack. On the defense aspects of the debate, the Senate examined thoroughly the military security interests of the United States on a global basis. The preponderant sentiment was in favor of sending the four divisions to Europe to partake in the defense of that continent, in the belief that an attack on free Europe would endanger the security of the United States.

Before voting on the resolutions, the Senate adopted several amendments. One expressed the sense of the Senate that the United States should seek revision of the Italian Peace Treaty to permit Italy to make a greater contribution to the defense of Western Europe (by Senator Watkins). Another specified that no ground troops in addition to the four divisions should be sent to Europe without further congressional approval (by Senator McClellan). A third amendment provided that the defense plans of Europe be revised so as to provide for the utilization of the military resources of Spain and Germany on a voluntary basis (by Senator McCarthy)[1]. Seceral attempts to modify these amendments failed. Senate Resolution 99, as amended, was passed by the vote of 69 to 21 on April 4, 1951. Immediately thereafter Senate Concurrent Resolution 18 was taken up, and amended so as to conform to Senate Resolution 99. There was one change, however, namely the inclusion of Greece and Turkey in the amendment relating to the utilization on a voluntary basis of the military resources of Spain and Germany. Senate Concurrent Resolution 18 was then passed by a vote of 45 to 41.

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[1] Joseph R. McCarthy of Wisconsin.

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Provisions of the resolutions.—The resolutions as passed by the Senate stated the sense of the Senate (or Congress) (1) That it approves the appointment of General Eisenhower as Supreme Allied Commander, Europe, and the decision to place Armed Forces of the United States in Europe under his command; (2) that the security of the United States and the NATO countries is so threatened that it is necessary to station United States troops abroad for the joint defense effort; (3) that the President should consult the Secretary of Defense, the Joint Chiefs of Staff, the Foreign Relations and Armed Services Committees of the Senate and House, and the Supreme Commander, Europe, before sending additional troops to Europe under article 3 of the North Atlantic Treaty; (4) that the Joint Chiefs of Staff should certify to the Secretary of Defense that our allies are doing their fair share under article 3 of the North Atlantic Treaty before any troops are sent; (5) that the major portion of the ground forces under SHAPE should be supplied by our NATO partners and the Joint Chiefs of Staff should certify their opinion that the sending of United States troops is necessary to strengthen the security of the United States; (6) that congressional approval should be obtained of any policy requiring the sending of troops to Europe under article 3 of the North Atlantic Treaty; approval was given for the sending of four divisions of ground troops, but it was stated that the dispatch of additional divisions should also be subject to congressional approval; (7) that regular reports to Congress should be submitted by the President on how the North Atlantic Treaty is implemented; (8) that the peace treaty with Italy should be revised to modify limitations on her military strength, thereby enabling her to increase her contributions to the mutual defense of free Europe; and (9) that the defense plans of Europe should be revised to provide for the utilization on a voluntary basis of the military and other resources of Western Germany and Spain (and, in S. Con. Res. 18, Greece and Turkey).

Dates	*Documents*
Senate Resolution 8 introduced January 8, 1951.	Congressional Record, same date.
Senate Resolution referred to Foreign Relations and Armed Services Committees, January 23, 1951.	Do.
Public hearings, February 1, 15, 16, 19, 20–24, 26–28, 1951.	Printed hearings.
Reported Senate Resolution 99 and Senate Concurrent Resolution 18, March 14, 1951.	Senate Report 175.
Passed Senate, April 4, 1951, 45–41	Congressional Record, March 16, 19, 20–22, 27–30, April 2–4, 1951.
No further action by House or by the President.	Miscellaneous committee prints: Basic Information on Implementation of the North Atlantic Treaty: Report prepared by the staffs of the two committees for the use of the joint committee made up of the Committee on Foreign Relations and the Committee on Armed Services of the Senate. Powers of the President to Send the Armed Forces Outside the United States: Studies prepared by the executive departments for the use of the joint committee made up of the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(c) Senate Report 175, March 14, 1951 (excerpts)

ASSIGNMENT OF GROUND FORCES OF THE UNITED STATES TO DUTY IN THE EUROPEAN AREA

The joint committee made up of the Committee on Foreign Relations and the Committee on Armed Services, having had under consideration Senate Resolution 8, Eighty-second Congress, first session, which declares it to be the sense of the Senate that no United States ground forces should be assigned to duty in the European area for the purposes of the North Atlantic Treaty, pending the adoption of a policy with respect thereto by the Congress, reports two resolutions of its own (S. Res. 99 and S. Con. Res. 18) for the consideration of the Senate.

The report that follows is directed to Senate Resolution 99. However, inasmuch as the language of the two resolutions is identical, the report applies equally to Senate Concurrent Resolution 18.

Part I. Background

1. Purpose of the resolution

The resolution endorses the appointment of General Eisenhower as Supreme Allied Commander, Europe, and approves the present plans of the administration to send four additional divisions of United States ground troops to Europe as our contribution to the integrated defense of the North Atlantic area. It expresses the sense of the Senate that congressional approval should be obtained of any policy which may in the future require the assignment of American troops abroad under article 3 of the North Atlantic Treaty. It also requires certification by the Joint Chiefs of Staff that certain conditions specified in the resolution have been met before such troops will be sent.

2. Text of the resolution

The text of the two resolutions is identical except that where the Senate resolution refers to the Senate, the concurrent resolution refers to the Congress. The text of the Senate resolution is reproduced below.

[S. Res. 99]

RESOLUTION

Whereas the foreign policy and military strength of the United States are dedicated to the protection of our national security, the preservation of the liberties of the American people, and the maintenance of world peace; and

Whereas the North Atlantic Treaty, approved by the Senate by a vote of 82–13, is a major and historic act designed to build up the collective strength of the free peoples of the earth to resist aggression, and to preserve world peace; and

Whereas the security of the United States and its citizens is involved with the security of its partners under the North Atlantic Treaty, and the commitments of that treaty are therefore an essential part of the foreign policy of the United States; and

Whereas article 3 of the North Atlantic Treaty pledges that the United States and the other parties thereto "separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack"; and

Whereas recent events have threatened world peace and as a result all parties to the North Atlantic Treaty are individually and collectively mobilizing their productive capacities and manpower for their self-defense; and

Whereas the free nations of Europe are vital centers of civilization, freedom, and production, and their subjugation by totalitarian forces would weaken and endanger the defensive capacity of the United States and the other free nations; and

Whereas the success of our common defense effort under a unified command requires the vigorous action and the full cooperation of all treaty partners in the supplying of materials and men on a fair and equitable basis, and General Eisenhower has testified that the "bulk" of the land forces should be supplied by our European allies and that such numbers supplied should be the "major fraction" of the total number: Now, therefore, be it

Resolved, That—

1. the Senate approves the action of the President of the United States in cooperating in the common defensive effort of the North Atlantic Treaty nations by designating, at their unanimous request, General of the Army Dwight D. Eisenhower as Supreme Allied Commander, Europe, and in placing Armed Forces of the United States in Europe under his command;

2. it is the belief of the Senate that the threat to the security of the United States and our North Atlantic Treaty partners makes it necessary for the United States to station abroad such units of our Armed Forces as may be necessary and appropriate to contribute our fair share of the forces needed for the joint defense of the North Atlantic area;

3. it is the sense of the Senate that the President of the United States as Commander in Chief of the Armed Forces, before taking action to send units of ground troops to Europe under article 3 of the North Atlantic Treaty should consult the Secretary of Defense and the Joint Chiefs of Staff, the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Armed Services Committees of the Senate and the House of Representatives, and that he should likewise consult the Supreme Allied Commander, Europe;

4. it is the sense of the Senate that before sending units of ground troops to Europe under article 3 of the North Atlantic Treaty, the Joint Chiefs of Staff shall certify to the Secretary of Defense that in their opinion the parties to the North Atlantic Treaty are giving, and have agreed to give full, realistic force and effect to the requirement of article 3 of said treaty that "by means of continuous and effective self-help and mutual aid" they will "maintain and develop their individual and collective capacity to resist armed attack," specifically insofar as the creation of combat units is concerned;

5. the Senate herewith approves the understanding that the major contribution to the ground forces under General Eisenhower's command should be made by the European members of the North Atlantic Treaty, and that such units of United States ground forces as may be assigned to the above command shall be so assigned only after the Joint Chiefs of Staff certify to the Secretary of Defense that in their opinion such assignment is a necessary step in strengthening the security of the United States; and the certified opinions referred to in paragraphs 4 and 5 shall be transmitted by the Secretary of Defense to the President of the United States, and to the Senate Committees on Foreign Relations and Armed Services, and to the House Committees on Foreign Affairs and Armed Services as soon as they are received;

6. it is the sense of the Senate that, in the interests of sound constitutional processes, and of national unity and understanding, congressional approval should be obtained of any policy requiring the assignment of American troops abroad when such assignment is in implementation of article 3 of the North Atlantic Treaty; and the Senate hereby approves the present plans of the President and the Joint Chiefs of Staff to send four additional divisions of ground forces to Western Europe;

7. it is the sense of the Senate that the President should submit to the Congress at intervals of not more than six months reports on the implementation of the North Atlantic Treaty, including such information as may be made available for this purpose by the Supreme Allied Commander, Europe.

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Part II. Analysis of the Resolution

6. ANALYSIS OF RESOLUTION

Preamble

The seven clauses of the preamble set forth the reasons for the resolution and the background against which it was drafted. The clauses state that American foreign policy and military strength are designed to protect national security, preserve American liberties, and maintain world peace. It is noted that world security is threatened and that the subjugation of the free people of Europe would endanger our defensive capacity. Accordingly, it is important to all the North Atlantic Treaty partners that each should carry out its obligation of developing its collective and individual capacities to resist armed attack; in the interests of common defense, each partner should contribute its share of men and materials on a fair and equitable basis. All parties to the North Atlantic Treaty are now collectively mobilizing their productive capacities and manpower for self-defense, and General Eisenhower has testified that our European partners will supply the "bulk" of the land forces.

Paragraph 1—Approval of Eisenhower appointment

The first operative paragraph of the resolution "approves the action of the President of the United States in cooperating in the common defensive effort of the North Atlantic Treaty nations by designating, at their unanimous request, General of the Army Dwight D. Eisenhower as Supreme Allied Commander, Europe, and in placing armed forces of the United States in Europe under his command." The committee notes the following passage in the President's appointing letter to General Eisenhower: "* * * I have designated you as Supreme Commander, Europe. * * * You are hereby assigned operational command, to the extent necessary for the accomplishment of your mission, of the United States Army Forces, Europe; United States Air Forces, Europe; and the United States Naval Forces, Eastern Atlantic and Mediterranean."

The President's action took place on December 19, 1950, the day on which the North Atlantic Council completed plans for an integrated defense force under a unified, centralized command and invited the President to appoint General Eisenhower. The committee considers the choice a wise and a popular one, which should speed the accomplishment of the objectives of the North Atlantic Treaty. It, therefore, recommends unanimously that the Senate express its endorsement of the action of the President in appointing General Eisenhower to this important post.

Paragraph 2—Stationing United States armed forces in Western Europe

Paragraph 2 expresses the belief of the Senate that the security of the United States and our North Atlantic Treaty partners is so threatened that the United States finds it necessary as its contribution to the joint defense efforts, to station abroad units of American armed forces necessary to constitute our fair share of the joint defense forces of the North Atlantic Treaty nations.

In considering the number of American troops to be stationed abroad under article 3 of the North Atlantic Treaty, the committee considered the advisability of fixing a ratio between the number of American troops to be sent to Europe and the number of ground forces to be supplied by our partners. The committee felt it undesirable to fix such a ratio and instead sought to indicate the number of American troops to be stationed abroad by use of the phrase "fair share."

Interpretation of the phrase "fair share" involves an estimate of what the other partners are doing as their fair share in building joint defenses. Since the committee in paragraph 6 approves the dispatch of four additional divisions to Western Europe, thus contemplating United States forces in Western Europe totaling approximately six divisions, this figure is apparently accepted as our fair contribution at this time in the light of our allies' efforts. In this connection it should be noted that paragraph 5 indicates that the major contribution to the ground forces under General Eisenhower's command should be made by the European members of the North Atlantic Treaty.

The reference in this paragraph to "units of our Armed Forces," is a reference not only to ground troops, but also to other units of our military forces which may be stationed abroad from time to time as an American contribution to the joint defense of the North Atlantic area.

Paragraph 3—Consultation

This paragraph expresses the sense of the Senate that before the President, as Commander in Chief of the Armed Forces, sends ground troops to Europe under article 3 of the North Atlantic Treaty, he should consult the congressional committees primarily concerned with the formulation of foreign and military policies. The joint committee believes that, in such important matters which involve the security of the United States and world peace, the Congress should be kept informed of developments and should be in a position to participate in the formulation of major policy steps. In this way the unity of purpose and action on the part of the Executive and the Congress so necessary to public understanding and the full cooperation of the American people will be assured. In order to bring about complete coordination, the resolution also provides that the President should consult the Supreme Allied Commander, Europe, the Joint Chiefs of Staff, and the Secretary of Defense.

Two points should be emphasized in connection with the consultation procedure provided for in paragraph 3. In the first place, the use of the word "before" makes it perfectly clear that consultation should take place *before* and not *after* ground forces are assigned to Europe under the North Atlantic Treaty. In the second place, in view of the express terms of paragraph 6, the consultation recommended in paragraph 3 does not apply to the four divisions of ground forces which are to be sent to Western Europe in accordance with the present plans of the President and the Joint Chiefs of Staff.

Paragraphs 4–5—Certification by Joint Chiefs of Staff

Paragraph 4 expresses the sense of the Senate that, in advance of sending additional ground troops to Europe under article 3 of the North Atlantic Treaty, the Joint Chiefs of Staff shall certify that the parties to the treaty are doing their part under that article, especially with respect to the creation of combat units.

It is important to make sure that our partners are contributing their fair share toward the common defense. It is especially important in building the new integrated defense force under General Eisenhower that full cooperation shall be given by those associated with us in the venture. This is particularly true of the creation of combat units. In order to assure the American people and the Congress that these purposes are being served, certification of the Joint Chiefs of Staff to that effect is required.

Paragraph 5 incorporates two principal points: The first is that it makes clear the sentiment of the Senate that the major portion of the ground forces under General Eisenhower's command shall be furnished by the European members of the North Atlantic Treaty. The second is that prior to the assignment of such United States ground troops for service abroad, the Joint Chiefs of Staff shall certify that in their opinion such assignment is a necessary step in strengthening the security of the United States.

Paragraph 5 also sets up the procedure whereby the certification is to be carried out. It will be noted that in both cases the certified opinions referred to are to be transmitted to the appropriate committees of the Congress.

Paragraph 6—Congressional approval

Paragraph 6 puts the Senate on record with respect to two important matters: In the first place, it states that congressional approval should be obtained of any policy requiring the sending of troops abroad under article 3 of the North Atlantic Treaty. The committee believes that such approval will promote national unity and understanding and will be in accord with sound constitutional processes.

In the second place, it approves the present plans of the administration to send four additional divisions of American troops to bolster the joint defense of Western Europe. There was no divergence of views within the joint committee on this point. The committee wishes to underline the importance of this unanimous decision on one of the most significant policy issues which has confronted our country since the end of World War II. It believes that such unity, which reflects the support of the American people, will be extremely helpful in developing the morale of our European partners and in building the collective strength of the North Atlantic Treaty area.

Paragraph 6 is limited in scope. It refers only to ground troops sent abroad for the purpose of implementing article 3 of the North Atlantic Treaty. It does not call for congressional approval to send naval or air forces abroad. It does not apply to American troops in occupied areas or to armed forces sent to Europe under article 5 of the North Atlantic Treaty. Nor is it concerned with armed forces which the President might send abroad under his constitutional powers as Commander in Chief of the Army and Navy.

The term "congressional approval" as used in paragraph 6 is subject to different interpretations. On the one hand, some members of the joint committee expressed the view that congressional approval could only be given by formal legislation. Others believed that both the letter and the spirit of paragraph 6 might be met, in certain circumstances, as the result of consultation by the administration with, and the approval of, the appropriate committees of the Congress. In any event, it should be noted that the resolution expresses the sense of the Senate that congressional approval should be given; it is not a legislative mandate.

Paragraph 7—Reports to Congress

This paragraph calls upon the President to submit reports to the Congress periodically on how the North Atlantic Treaty is being implemented. It also calls upon him to include such information as the Supreme Allied Commander, Europe, may make available. Similar provisions are to be found in many of the recent acts of Congress dealing with foreign relations of the United States, notably the Mutual Defense Assistance Act and the Economic Cooperation Act.

Part III. Problems and Issues

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16. CONSTITUTIONAL POWERS OF THE PRESIDENT AND CONGRESS

One of the most perplexing problems that the joint committee faced related to the constitutional authority of the President to send American ground forces abroad in time of peace to serve as part of an inte-

grated defense force. While the Constitution states that the President "shall be Commander in Chief of the Army and Navy of the United States" (art. II, sec. 2, clause 1), this broad grant of power is not defined. On the other hand, the Constitution gives Congress authority which, in a number of respects, bears upon the President's power. Thus, Congress has power to make rules "for the government and regulation of land and naval forces" (Constitution, art. I, sec. 8, clause 14); to declare war (ibid., clause 11); to provide and maintain a Navy (ibid., clause 13); to raise and support armies (ibid., clause 12); and last, but not least, "to lay and collect taxes" to "provide for the common defense" (ibid., clause 1).

Some witnesses before the committee took the position that the President would be usurping a congressional function in sending American troops abroad in time of peace to serve as part of what was described as an "international army." Others maintained that if the President has authority to send American troops abroad in time of war or for the protection of American lives and property, he also has the duty in time of peace to organize our defenses in the most effective way to assure victory if the security of the United States should be endangered by an attack anywhere; this includes authority for the President to put American troops into an integrated defense force if advisable.

No question was raised as to the authority of the President to send American troops to enemy territory to serve as part of an occupation army, which of course is the situation with respect to Germany, Austria, and Japan, with whom formal peace treaties have not yet been concluded.

With the exact line of authority between the President and the Congress in doubt for the past 160 years, the committee did not endeavor to resolve this issue definitively at this time. Attention is invited, however, to two documents which may be of help in analyzing the matter: one, prepared by the executive departments, sets forth the position of the Executive (Powers of the President to Send the Armed Forces Outside the United States, prepared for the use of the joint committee made up of the Committee on Foreign Relations and the Committee on Armed Services of the Senate, February 28, 1951), and the other, a collection of opinions on the subject prepared by the House Committee on Foreign Affairs (Background Information on the Use of United States Armed Forces in Foreign Countries, February 15, 1951).

It should be noted in this connection that paragraph 1 of the operative parts of the pending resolution does approve the "action of the President * * * in cooperating in the common defense effort of the North Atlantic Treaty nations by designating * * * General * * * Sisenhower as supreme allied commander, and in placing the armed forces of the United States, Europe, under his command." Thus, by approving the placing of United States armed forces in Europe under the command of General Eisenhower the Senate is endorsing their service in the international integrated defense force of which General Eisenhower is supreme commander.

Paragraph 2 expresses the belief it is "necessary for the United States to station abroad such units of our armed forces as may be necessary and appropriate to contribute our fair share of the forces needed for the joint defense of the North Atlantic areas." By this

paragraph the belief is expressed that our fair share of the troops necessary should be contributed for joint defense—the joint defense being that which General Eisenhower will organize as Supreme Commander.

In considering the power of the President to send American armed forces abroad, the committee was aware that his constitutional authority to use our armed forces abroad would be the same whether applied to ground, air, or naval forces. It also understood that General Eisenhower will command all units—land, air, or sea—within his jurisdiction. The committee was primarily concerned, however, with the policy with respect to the assignment of American ground forces to Europe because of the numbers of men involved and the concern on the part of some individuals that sending additional ground troops now might be but a first step in sending larger contingents to Europe.

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Part IV. Conclusions

20. THE COMMITTEE CONCLUSIONS

The joint committee believes that the national security of the United States requires the sending of four additional divisions of United States ground troops to Western Europe to serve as part of the integrated defensive force in the North Atlantic community. In thus developing the collective strength of the North Atlantic area, the aim of the treaty partners is threefold: (1) to prevent the outbreak of war by building deterrent power in Western Europe; (2) to make sure that the Soviet Union will not accomplish its purposes by means of indirect aggression; and (3) to make certain that the free nations are strong enough to defend themselves if war is thrust upon them.

The committee desires to emphasize again that the primary purpose in approving the transfer of additional American forces to Western Europe is to seek to maintain peace by building up defensive strength, rather than by inviting attack because of existing weakness. The committee reiterates the fact that the American people want peace, but they will not permit their freedom to be destroyed by overwhelming military force controlled by the Kremlin.

13. THE FORMOSA RESOLUTION

(a) Public Law 84–4, approved January 29, 1955

JOINT RESOLUTION Authorizing the President to employ the Armed Forces of the United States for protecting the security of Formosa, the Pescadores and related positions and territories of that area

Whereas the primary purpose of the United States, in its relations with all other nations, is to develop and sustain a just and enduring peace for all; and

Whereas certain territories in the West Pacific under the jurisdiction of the Republic of China are now under armed attack, and threats and declarations have been and are being made by the Chinese Communists that such armed attack is in aid of and in preparation for armed attack on Formosa and the Pescadores,

Whereas such armed attack if continued would gravely endanger the peace and security of the West Pacific Area and particularly of Formosa and the Pescadores; and

Whereas the secure possession by friendly governments of the Western Pacific Island chain, of which Formosa is a part, is essential to the vital interests of the United States and all friendly nations in or bordering upon the Pacific Ocean; and

Whereas the President of the United States on January 6, 1955, submitted to the Senate for its advice and consent to ratification a Mutual Defense Treaty between the United States of America and the Republic of China, which recognizes that an armed attack in the West Pacific area directed against territories, therein described, in the region of Formosa and the Pescadores, would be dangerous to the peace and safety of the parties to the treaty: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be and he hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores.

The resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, and shall so report to the Congress.

(b) Legislative history

FORMOSA RESOLUTION [1]

The first important item of business considered by the Foreign Relations Committee in the 84th Congress was a message from the President of the United States of January 24, 1955, requesting the Congress to authorize him to use the Armed Forces of the United States in the defense of Formosa, the Pescadores, and related positions and territories in that area. The occasion for his message was the successful attack on the island of Ichiang, a Chinese offshore island held by the Nationalist forces but captured by the Communist Chinese forces. The President felt there was danger that if this Government did not make clear its determination to assist in the defense of these areas, the Chinese Communists might misjudge our intentions and continue their attacks on the Tachen Islands, Quemoy, and Matsu.

The Senate by unanimous agreement referred the President's message, as well as Senate Joint Resolution 28 introduced by Senator George, to the Committee on Foreign Relations and the Committee on Armed Services for consideration. The joint committee, under the chairmanship of Senator George, heard Secretary of State Dulles in executive session on January 24 and the Joint Chiefs of Staff, under

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[1] Legislative History of the Committee on Foreign Relations, 84th Cong., S. Doc. 84–150, pp. 14–15.

the Chairmanship of Admiral Arthur W. Radford, on January 25. On January 26, by a vote of 27 to 2, with 1 absent, the joint committee favorably reported Senate Joint Resolution 28 to the Senate without amendment.

Debate began on January 26 and continued through January 28, at which time the resolution was passed by a vote of 85 to 3.

During debate an amendment, offered by Senator Lehman, to strike out reference to areas other than Formosa and the Pescadores, was defeated. An amendment by Senator Langer, which would have limited the operation of American Armed Forces to areas more than 12 miles off the China coast, was also defeated. A substitute resolution offered by Senator Kefauver, couched in terms of expressing the "sense of the Senate" instead of "authorizing" the President to take action, was also rejected. A resolution (Senate Resolution 55) introduced by Senator Humphrey, which would have expressed the sense of the Senate that it would be in the interests of the United States for the United Nations to take prompt action to bring about a cease-fire, was introduced during the debate and referred to the Committee on Foreign Relations. That resolution was considered by the committee on February 1, 1955, and its further consideration was postponed.

Senate Joint Resolution 28, as passed, provided that "the President of the United States be and he hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores."

Dates	*Documents*
Message from the President, January 24, 1956.	House Document 76.
Introduced in Senate by Senator George (for himself and Senators Wiley, Green, Knowland, Russell, and Saltonstall), January 24, 1956.	Senate Joint Resolution 28.
Introduced in House by Mr. Richards, January 24, 1956.	House Joint Resolution 159.
House Joint Resolution 159 reported to House, January 24, 1956.	House Report 4.
Passed House, 409–3, January 25, 1956.	Congressional Record, same date.
Senate Joint Resolution 28 reported to Senate, January 26, 1956.	Senate Report 13.
House Joint Resolution 159 passed Senate, 85–3, January 28, 1956.	Congressional Record, same date.
Approved January 29, 1956	Public Law 4.

(c) Senate Report 13, January 26, 1955 (excerpts)

AUTHORIZING THE PRESIDENT TO EMPLOY THE ARMED FORCES OF THE UNITED STATES FOR PROTECTING THE SECURITY OF FORMOSA, THE PESCADORES, AND RELATED POSITIONS AND TERRITORIES OF THAT AREA

The Committee on Foreign Relations and the Committee on Armed Services, hereinafter referred to as the "joint committee," having had under consideration the President's message of January 24, 1955, recommending action to meet certain threats to the peace and security of the United States, and Senate Joint Resolution 28, report the resolution supporting the President in his recommendations, and recommend that it do pass.

PURPOSE OF RESOLUTION

It is the purpose of this resolution to make it clear that it is essential to the vital interests of the United States that Formosa and the Pescadores remain in friendly hands and that the President of the United States is authorized to employ the Armed Forces of this Nation for that purpose.

* * * * * * *

REASONS FOR THE RESOLUTION

The President, in his message to the Congress recommending the enactment of the pending resolution, stated that—

> The most important objective of our Nation's foreign policy is to safeguard the security of the United States by establishing and preserving a just and honorable peace. In the western Pacific, a situation is developing in the Formosa Straits, that seriously imperils the peace and our security.

The recent action of the Chinese Communist Government in attacking the Tachen group of islands and its statements to the effect that "the Government of the People's Republic of China * * *" is "determined to liberate their own territory of Taiwan" indicate that the Chinese Communists are contemplating the use of force to capture Formosa and neighboring islands. Probing operations are underway to test the determination of the Republic of China and the United States in their resolve to prevent Formosa and the Pescadores from falling into unfriendly hands. Under these circumstances, the President in his message stated:

> In the interest of peace, therefore, the United States must remove any doubt regarding our readiness to fight, if necessary, to preserve the vital stake of the free world in a free Formosa, and to engage in whatever operations may be required to carry out that purpose.

The resolution is designed to stabilize the area by spelling out the action the United States will take to protect Formosa and the Pescadores against armed attack. If we make our intentions clear now, we may avert more serious consequences at a later time. This resolution underlines the fact that the President has the full support of Congress in the use of the Armed Forces in the protection of our vital interests in this area.

THE RISKS INVOLVED

The course of action to which this resolution commits the United States is not without danger. There is the possibility, for example, that the Chinese Communist regime may think that our action is a bluff. Should the Communist regime proceed on that assumption, the American people must realize that under this resolution, the President of the United States could use the Armed Forces of the United States in the defense of Formosa, the Pescadores, and "such related positions and territories of that area now in friendly hands." Indeed, the resolution is broad enough in its language so that the President, if he finds it necessary, might take appropriate action in the area in the event Chinese Communist forces should be grouped in such a way as to present a clear and immediate threat to the security of Formosa or the Pescadores. This resolution would be indicative of congressional support for such action.

The question was raised during joint committee consideration of the pending resolution as to whether action taken by the United States under these circumstances might bring into effect the Soviet-Chinese Treaty of February 14, 1950. Article I of that treaty provides in part:

> In the event of one of the High Contracting Parties being attacked by Japan or states allied with it, and thus being involved in a state of war, the other High Contracting Party will immediately render military and other assistance with all the means at its disposal.

There is, of course, a possibility that the Chinese Communists might seek to invoke the treaty for the purpose of enlisting the support of the Soviet Union. This is a calculated risk which the United States must take. Two points should be noted in this connection, however. In the first place it is not the intention of the United States to take aggressive action against any country. In the second place, the language of the Soviet-Chinese Treaty is open to widely different interpretations. The executive branch indicated to the joint committee that it very much doubts whether the terms of the treaty would be invoked even if further difficulties should arise between the United States and Communist China.

THE INTEREST OF THE UNITED NATIONS

Members of the joint committee are hopeful that the United Nations might soon be in a position to take appropriate action to bring an end to hostilities in the Formosan Straits. The committee ventures to express such a hope despite the fact that the Peiping radio on January 25 stated that "Taiwan is an inalienable part of China's territory. The liberation of Taiwan is a matter of China's sovereignty and internal affairs. No outside interference is allowed."

The joint committee agrees with the President who stated that he would "welcome action by the United Nations which might, in fact, bring an end to the active hostilities in the area." The joint committee cannot agree that the use of force in this area is a matter of domestic concern to the Government of the Republic of China or to the Chinese Communist Government. The use of force, under the circumstances existing in that area, threatens the peace of the Western

Pacific and the whole Far East. The joint committee questioned Mr. Dulles closely as to whether a solution might be forthcoming in the near future in the United Nations. The Secretary indicated that this Government would do its utmost to encourage and support the United Nations in bringing a cease-fire into effect in this area.

Whatever the origin of hostilities between the island of Formosa and the China mainland, the fact is that they endanger the peace of the world. The joint committee did not believe that legalistic arguments should prevent this Government and the United Nations from taking such action as might be necessary to preserve peace in the area.

GEOGRAPHIC SCOPE OF RESOLUTION

It should be noted that the resolution provides that the authority of the President is to include "the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures" as he judges are appropriate to assure the defense of Formosa and the Pescadores.

In this connection, members of the joint committee raised a number of questions about the desirability of establishing specific geographic limits within which the resolution might apply. Potential aggressors might then be put on notice that any aggression within the specific area would be met by the armed might of the United States.

Both Secretary Dulles and Admiral Radford testified at some length against the desirability of listing the individual islands covered by the resolution or spelling out in concrete terms the latitude and longitude of the areas to be defended. The joint committee agrees that, in this particular instance at least, it would seem unwise to define too precisely the geographic scope of the resolution. Such action might handicap our country by depriving it of flexibility that may be needed to meet unforeseen situations that might arise in the future.

THE POWERS OF THE PRESIDENT

During committee hearings certain questions were raised as to whether or not it was necessary for the President to seek congressional authority for the action proposed. There was some difference of opinion among committee members with respect to this matter which is one of the most difficult problems in the whole field of constitutional law. It was felt, however, that this is essentially a matter of domestic concern and should not affect the principal purpose underlying the resolution which is to make unequivocally clear that the Congress supports whatever action the President may find necessary to take to be sure that Formosa and the Pescadores do not fall into unfriendly hands.

In this connection, the joint committee noted that the resolution does not enter into the field of controversy over the relative powers of the President and the Congress. It does call for the two branches of the Government to stand together in the face of a common danger. With such unity there can be no question that the necessary constitutional powers exist for such action as may be required to meet the kind of emergency contemplated by the resolution.

JOINT COMMITTEE RECOMMENDATION

The joint committee, regardless of the collateral issues that were raised and considered during executive hearings, believes that it is in the vital interests of the United States to support the President of the United States in the action he finds necessary to defend United States interests in Formosa and the Pescadores. It recommends that the Senate approve the pending resolution.

14. MIDDLE EAST RESOLUTION, AS AMENDED

(a) Public Law 85–7, approved March 9, 1957, as amended by the Foreign Assistance Act of 1961, Public Law 87–195, approved September 4, 1961

JOINT RESOLUTION To promote peace and stability in the Middle East

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be and hereby is authorized to cooperate with and assist any nation or group of nations in the general area of the Middle East desiring such assistance in the development of economic strength dedicated to the maintenance of national independence.

SEC. 2. The President is authorized to undertake, in the general area of the Middle East, military assistance programs with any nation or group of nations of that area desiring such assistance. Furthermore, the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end, if the President determines the necessity thereof, the United States is prepared to use armed forces to assist any nation or group of such nations requesting assistance against armed aggression from any country controlled by international communism: *Provided*, That such employment shall be consonant with the treaty obligations of the United States and with the Constitution of the United States.

SEC. 3. The President is hereby authorized to use during the balance of fiscal year 1957 for economic and military assistance under this joint resolution not to exceed $200,000,000 from any appropriation now available for carrying out the provisions of the Mutual Security Act of 1954, as amended, in accord with the provisions of such Act: *Provided*, That, whenever the President determines it to be important to the security of the United States such use may be under the authority of section 401(a) of the Mutual Security Act of 1954, as amended (except that the provisions of section 105(a) thereof shall not be waived), and without regard to the provisions of section 105 of the Mutual Security Appropriation Act, 1957: *Provided further*, That obligations incurred in carrying out the purposes of the first sentence of section 2 of this joint resolution shall be paid only out of appropriations for military assistance, and obligations incurred in carrying out the purposes of the first section of this joint resolution shall be paid only out of appropriations other than those for military assistance. This authorization is in addition to other existing authorizations with respect to the use of such appropriations. None of the additional

authorizations contained in this section shall be used until fifteen days after the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committees on Appropriations of the Senate and the House of Representatives and, when military assistance is involved, the Committees on Armed Services of the Senate and the House of Representatives have been furnished a report showing the object of the proposed use, the country for the benefit of which such use is intended, and the particular appropriation or appropriations for carrying out the provisions of the Mutual Security Act of 1954, as amended, from which the funds are proposed to be derived: *Provided*, That funds available under this section during the balance of fiscal year 1957 shall, in the case of any such report submitted during the last fifteen days of the fiscal year, remain available for use under this section for the purposes stated in such report for a period of twenty days following the date of submission of such report. Nothing contained in this joint resolution shall be construed as itself authorizing the appropriation of additional funds for the purpose of carrying out the provisions of the first section or of the first sentence of section 2 of this joint resolution.

SEC. 4. The President should continue to furnish facilities and military assistance, within the provisions of applicable law and established policies, to the United Nations Emergency Force in the Middle East, with a view to maintaining the truce in that region.

SEC. 5. The President shall whenever appropriate [1] report to the Congress his action hereunder.

SEC. 6. This joint resolution shall expire when the President shall determine that the peace and security of the nations in the general area of the Middle East are reasonably assured by international conditions created by action of the United Nations or otherwise except that it may be terminated earlier by a concurrent resolution of the two Houses of Congress.

(b) Legislative history

THE MIDDLE EAST RESOLUTION [1]

Background

When the 85th Congress convened in January 1957 it was immediately confronted with the serious situation existing in the Middle East. Since the seizure of the Suez Canal by Egyptian President Nasser in July 1956, tension in the Middle East had increased. The climax was reached in October, when British, French, and Israeli forces attacked Egypt. After a United Nations emergency force (UNEF) was formed and stationed in the area, these troops were withdrawn. UNEF, however, maintained a very tenuous peace. Soviet influence was increasing and the economies of virtually all countries in the area and the press in Europe were shaken because of the closure of the Suez Canal. The general atmosphere was one of fear, crisis, and instability.

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[1] Sec. 705 of the Foreign Assistance Act of 1961 substituted the words "whenever appropriate" in lieu of the words "within the months of January and July of each year".

[1] Legislative History of the Committee on Foreign Relations, 85th Cong., S. Doc. 85–128, pp. 20–24.

On December 27, 1956, the press reported that President Eisenhower was considering a request for congressional authority to use United States troops if necessary to maintain peace in the Middle East. Both he and Secretary of State Dulles had indicated that "basic United States policy should now find expression in joint action by the Congress and the Executive."

Secretary Dulles appeared before the committee on the last day of the 84th Congress—January 2, 1957—and discussed the critical situation in the Middle East. On January 5, 1957, President Eisenhower addressed a joint session of Congress and requested authority to extend economic and military assistance to Middle Eastern nations and to employ "the Armed Forces of the United States to secure and protect the territorial integrity and political independence of such nations requesting such aid, against overt armed aggression from any nation controlled by international communism."

Committee action

On January 9, 1957, Senator Green, for himself and Senator Wiley, introduced the President's proposal as Senate Joint Resolution 19. This resolution, and subsequently House Joint Resolution 117, which was passed by the House of Representatives on January 30, 1957, by a vote of 355 to 61, were by unanimous consent referred to the Committee on Foreign Relations and the Committee on Armed Services jointly.

The joint committee, which was presided over by Senator Green, began consideration of the joint resolution with public hearings on January 14, 15, 24, and 25 at which Secretary of State John Foster Dulles was the principal witness. He was accompanied by Adm. Arthur W. Radford, Chairman, Joint Chiefs of Staff, and John B. Hollister, Director, International Cooperation Administration. On January 28 and February 1, Secretary Dulles returned for further examination in executive session. Admiral Radford testified and was questioned in executive sessions on January 29 and 30.

Nongovernment witnesses who had asked to testify were heard by the joint committee in public session on February 4. These included a number of private individuals and also representatives from the American Legion, the American Veterans Committee, the American Association for the United Nations, the Friends Committee on National Legislation, Americans for Democratic Action, the Women's International League for Peace and Freedom, the Committee for Security and Justice in the Middle East, the American Zionist Committee for Public Affairs, and the United States Arab-Asian Institute, Inc., Charles J. Kersten and Hamilton Fish, former Members of Congress, also testified.

They were followed by present and former officials of the United States Government who had been invited by the joint committee to present their views in executive session. Herbert Hoover, Jr., former Under Secretary of State appeared on February 5; George Wadsworth, United States Ambassador to Saudi Arabia, and Joseph C. Green, former United States Ambassador to Jordan, on February 6; Henry A. Byroade, United States Ambassador to the Union of South Africa and former Ambassador to Egypt, on February 7; Jefferson Caffery, former United States Ambassador to Egypt, on February 8;

and James G. McDonald, former United States Ambassador to Israel, on February 8 and 11.

Also on February 11, in public session, the joint committee heard Senator Joseph C. O'Mahoney and received statements from Senator William A. Purtell and Senator John A. Carroll.

The hearings of the joint committee in executive sessions were edited in order to delete security information and were printed in two volumes for the use of the Senate together with the public testimony.

On February 12 and 13 the joint committee met in executive session to consider the joint resolution. It had referred to it, in addition to Senate Joint Resolution 19 and House Joint Resolution 117, the following resolutions: Senate Joint Resolution 42, by Senator Morse, to promote peace and stability in the Middle East; Senate Joint Resolution 45, by Senator Mansfield, relative to the use of Armed Forces by the President to preserve the independence and territorial integrity of the nations of the Middle East, and for other purposes; and Senate Resolution 80, by Senator Fulbright, to express the attitude of the Senate as to the policy of the United States in the achievement of international peace and security in the Middle East.

The joint committee decided to take action on Senate Joint Resolution 19 and on February 13, 1957, by a vote of 20 to 8, voted to report it favorably with an amendment in the nature of a substitute to the Senate.

During its extensive consideration of the matter, the committee was concerned with all aspects of the situation in the general area of the Middle East and with the whole range of United States policy toward the area. Particular attention was devoted to these questions:

1. How the resolution fit into overall United States policy;
2. The wisdom of increasing the President's discretionary authority for use of mutual security funds to the extent requested; and
3. The Constitutional problems involved in the President's request for authority to use the Armed Forces.

On the first point, the committee viewed the resolution as an emergency stopgap. The committee report said: "It is idle to suppose that the actions taken under the authority of this resolution will in themselves bring about peace, security, and stability in the Middle East and the President recognized this fact in his message to Congress of January 5. But the authority granted by this resolution is essential to provide an atmosphere in which other measures can be brought to bear and to provide time for those other measures to be effective.

"The joint committee is concerned that other measures be taken, that they be taken promptly, and that they be adequate to the task. The joint committee expects to be consulted as these measures are developed and applied."

On the second point, the committee approved substantially the discretionary authority requested for military and economic assistance, but imposed the following limitations:

1. The additional authority granted the President was only for the balance of the then current fiscal year—a matter of approximately 4 months.

2. The additional authority could not be used until after the appropriate committees of Congress had been given 15 days notice of the

amount of money it was proposed to spend, the country for which it was proposed to be spent, and the specific fund from which it was to be drawn. This would give the appropriate committees of Congress an opportunity to scrutinize in advance each proposed action and to take whatever action seemed warranted. The committees to which this notice was required were the Foreign Relations Committee of the Senate, the Foreign Affairs Committee of the House, the 2 Appropriations Committees, and in the case of military assistance, the 2 Armed Services Committees.

3. It was expressly provided that the authority could not be used to transfer funds between military and economic assistance appropriations. In other words, where the President's new authority was used to extend military assistance, the funds involved must be taken from military assistance appropriations and when the new authority was used for economic assistance, the funds must be taken from economic assistance appropriation.

4. Finally, it was made perfectly clear that the joint resolution itself did not constitute an authorization for additional appropriations. Such additional appropriations as might have become necessary for assistance to the Middle East would have to go through the regular authorizing and appropriating process as in the case with mutual security funds generally.

With regard to the third point, the joint committee was sharply divided as to the proper constitutional processes, although it was not divided as to the substantive policy. After much consideration, the committee agreed to this language:

> Furthermore, the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end, if the President determines the necessity thereof, the United States is prepared to use armed forces to assist any nation or group of nations requesting assistance against armed aggression from any country controlled by international communism: *Provided*, That such employment shall be consonant with the treaty obligations of the United States and with the Charter of the United Nations.

As stated in the committee report:

> This language has the virtue of remaining silent on the question of the relationship between the Congress and the President with respect to the use of the Armed Forces for the objectives stated in the resolution.
>
> At the same time this formulation makes clear the importance which the United States attaches to the Middle East and the determination of the United States to use armed force to resist Communist aggression in the area should any nation request such assistance.

The joint committee also by a vote of 30 to 0, on January 29 directed the Secretary of State to provide a chronological statement of all the events that contributed to the situation in the Middle East, with particular reference to the period beginning January 1946.

The chairman of the joint committee appointed a subcommittee, consisting of Senators Fulbright (chairman), Mansfield, Wiley, Knowland, Byrd,[1] and Saltonstall, to consult from time to time with appropriate officials of the Department of State as to how the committee's request for information could be met reasonably, both as to extent and as to time.

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[1] Harry F. Byrd, Sr., of Virginia.

Senate action

Debate in the Senate revolved around the same issues as were considered by the committee. The debate lasted from February 19 to March 5, 1957, and a number of amendments were offered. The Senate agreed to four of these: (1) An extensively modified amendment by Senator Douglas which made the granting of military, economic, and technical assistance subject to the limitations of section 105(a) of the Mutual Security Act of 1954, as amended, which specified that equipment must be furnished only to maintain the internal security and legitimate self-defense of the recipient nation and must not be used to undertake any act of aggression against another nation (voice vote); (2) an amendment of Senator O'Mahoney which provided that the employment of armed forces under the joint resolution should be consonant with the Constitution (82–2); (3) a modified amendment by Senator Mansfield providing that the President should continue to furnish facilities and military assistance, within the provisions of applicable law and established policies, to the United Nations Emergency Force in the Middle East (48–43); and (4) an amendment by Senator Case of South Dakota, to make it clear that the nations referred to in all parts of the resolution are those in the general area of the Middle East (voice vote).

The Senate rejected the following seven amendments: (1) an amendment by Senator Mansfield providing that the President should seek to bring about effective control over the introduction of military "volunteers" (voice vote); (2) a substitute by Senator Russell which would have omitted the economic and military assistance provisions (28–58); (3) an amendment by Senator Curtis providing that the resolution should expire on February 1, 1961, or earlier as provided for in the committee amendment (30–58); (4) an amendment by Senator Barrett for himself and Senators Dworshak and Case of South Dakota, which provided that $100 million of the authorized assistance should be in the form of loans (voice vote); (5) an amendment by Senator Morse providing for prior notice if possible to the Congress before armed forces are employed (28–64); (6) an amendment by Senator McCarthy [1] striking out the language relating to the use of funds without regard to the provisions of the Mutual Security Act (division); and (7) another amendment by Senator McCarthy striking out reference to the United Nations in the termination clause (division).

On March 5, the committee amendment, as amended, was agreed to by the Senate. The Senate then discharged the Committee on Foreign Relations from further consideration of House Joint Resolution 117 (the House companion resolution), amended it by striking out all after the enacting clause and inserting the text of Senate Joint Resolution 19, as amended, and then passed House Joint Resolution 117 by a vote of 72–19.

The Senate amendment was agreed to by the House of Representatives on March 7, 1957, and on March 9, it was approved by the President.

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[1] Joseph R. McCarthy, of Wisconsin.

Dates	*Documents*
Address by the President of the United States, January 5, 1957.	House Document 46.
Introduced by Representative Gordon in the House, January 5, 1957.	House Joint Resolution 117.
Introduced by Senator Green (for himself and Senator Wiley), January 9, 1957.	Senate Joint Resolution 19.
Hearings before the House Committee on Foreign Affairs, January 7, 8, 9, 10, 15, 16, 17, and 22, 1957.	Printed hearings.
Hearings before the Senate Foreign Relations Committee, January 14, 15, 24, 25, 28, 29, 30, February 1, 4, 5, 6, 7, 8 and 11, 1957.	Printed hearings.
House Joint Resolution 117 reported to House January 25, 1957.	House Report 2.
House Joint Resolution 117, passed House, 355 to 61, January 30, 1957.	Congressional Record, same date.
House Joint Resolution 117 referred to Senate Committees on Foreign Relations and Armed Services jointly, February 1, 1957.	Congressional Record, same date.
Senate Joint Resolution 19 reported to Senate with an amendment in the nature of a substitute, 20 to 8, February 14, 1957.	Senate Report 70.
Committee amendment, as amended, agreed to by Senate; committee discharged from further consideration of House Joint Resolution 117; amended by striking out all after the enacting clause and inserting the text of Senate Joint Resolution 19, as amended, and passed, 72 to 19, March 5, 1957.	Congressional Record, February 19, 20, 21, 25, 26, 27, 28, March 1, 2, 4, and 5, 1957.

(c) Senate Report 70, February 14, 1957 (excerpts)

PROMOTING PEACE AND STABILITY IN THE MIDDLE EAST

The Committee on Foreign Relations and the Committee on Armed Services, hereinafter referred to as the "joint committee," having had under consideration the President's address of January 5, 1957, on the situation in the Middle East and Senate Joint Resolution 19 and House Joint Resolution 117, report Senate Joint Resolution 19 with an amendment in the nature of a substitute and recommend that it do pass.

1. MAIN PURPOSE OF THE RESOLUTION

The main purpose of the joint resolution is to put the Soviet Union on notice that Communist aggression in the Middle East would be a serious threat to the vital interests of the United States. To this end, the resolution declares the readiness of the United States to use armed force to defend the area against overt armed aggression by any country controlled by international communism. It further enables the President to waive certain existing restrictions on the use of mutual security appropriations to the extent of $200 million for military and economic assistance to Middle East nations.

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3. WHY THE RESOLUTION IS NECESSARY

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In the circumstances, prompt, vigorous, and decisive action is necessary if the states of the area are to preserve their independence. Senate Joint Resolution 19 provides the first two indispensable steps in this action:

1. It announces the readiness of the United States to use American Armed Forces to resist overt Communist aggression in the area.

2. It gives the President greater flexibility in the use of up to $200 million of existing mutual security appropriations for either military or economic assistance in the area.

The resolution is an emergency stopgap. It is idle to suppose that the actions taken under the authority of this resolution will in themselves bring about peace, security, and stability in the Middle East and the President recognized this fact in his message to Congress of January 5. But the authority granted by this resolution is essential to provide an atmosphere in which other measures can be brought to bear and to provide time for those other measures to be effective.

The joint committee is concerned that other measures be taken, that they be taken promptly, and that they be adequate to the task. The joint committee expects to be consulted as these measures are developed and applied. But it is not necessary to debate and determine all of these measures in connection with the pending resolution. To do so, indeed, would involve a quite unacceptable degree of delay.

It would also involve undue delay to attempt, at this time, a full consideration of the events leading to the present situation in the Middle East. In this connection, however, the joint committee, by a vote of 30 to 0, on January 29 directed the following request to the Secretary of State:

> The Committee on Foreign Relations and the Committee on Armed Services, sitting jointly to consider Senate Joint Resolution 19, a joint resolution proposed by the President relative to the Middle East situation, request that the Department of State provide a chronological statement, together with classified and unclassified supporting documents, telegrams, and the like, of all the events that have contributed significantly to the present situation in the Middle East, with particular reference to the period beginning January 1946. The committees desire such information as soon as possible, but they will not delay action on Senate Joint Resolution 19 pending receipt of such information. The Committee on Foreign Relations will undertake to provide suitable storage for classified material and access to such material will be restricted to the members and staff of the two committees. Matter furnished to the committee will be returned to the executive branch within a reasonable time.

On February 12, the chairman of the joint committee appointed a subcommittee, consisting of Senators Fulbright (chairman), Mansfield, Wiley, Knowland, Byrd [1] and Saltonstall, to consule from time to time with appropriate officials of the Department of State as to how the committee's request for information can be met reasonably, both as to extent and as to time. This action was designed to meet the desires of members of the committee to be kept informed of the Department's progress in complying with the request and at the same time to meet the Department's desire for general guidance as to the committee's wishes.

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[1] Harry F. Byrd, Sr., of Virginia.

4. OUTLINE OF THE RESOLUTION

This resolution has three principal elements: economic assistance, military assistance, and willingness to use the Armed Forces in specified circumstances. These three elements are interrelated; each is indispensable to successful American policy in the Middle East; and none can be eliminated without detracting from the efficacy of the others.

Section 1 of the resolution simply authorizes the President "to cooperate with and assist any nation or group of nations in the general area of the Middle East desiring such assistance in the development of economic strength dedicated to the maintenance of national independence."

Section 2 authorizes military assistance to nations in the area. It further declares that the United States regards the preservation of the independence and integrity of the nations of the Middle East "as vital to the national interest and world peace." To this end, if the President determines that it is necessary, the resolution states that "the United States is prepared to use armed forces to assist any nation or group of nations requesting assistance against armed aggression from any country controlled by international communism." It is provided that any such use must be consonant with the treaty obligations of the United States and with the U.N. Charter.

Section 3 enables the President, in extending military and economic assistance to Middle Eastern nations, to waive certain legal provisions in regard to the use of $200 million heretofore appropriated under the Mutual Security Act. This authority is limited to the balance of the current fiscal year, and cannot be exercised at all in any particular case until the appropriate committees of Congress have had 15 days' notice of the specific proposal.

Section 4 requires reports to Congress by the President in January and July each year of his actions under the resolution. These will be formal, public reports. The joint committee expects, however, to receive more frequent and complete reports from officials of the Department of State.

Section 5 provides for the resolution to expire when the President determines that "the peace and security of the nations in the general area of the Middle East are reasonably assured by international conditions created by action of the United Nations or otherwise." The resolution may also be terminated earlier by concurrent resolution of Congress.

As reported, the resolution contains no preamble and a title which is simply "To promote peace and stability in the Middle East." On balance, the joint committee felt that preambular clauses to a resolution of this kind add nothing to the substance of the resolution and might create confusion as to congressional intent. The resolution plainly speaks for itself on this score. The short title appealed to the joint committee as being a simple, straightforward expression of purpose.

5. GEOGRAPHIC SCOPE OF THE RESOLUTION

The phrase "the general area of the Middle East" recurs throughout the resolution and requires some definition. It would be unwise to attempt to draw a precise geographical line around the area to which

this resolution applies. This follows the pattern of the resolution (Public Law 4, 84th Cong.) authorizing the use of armed force to defend Formosa. That resolution named Formosa and the Pescadores and also covered "related positions and territories of that area."

As used in Senate Joint Resolution 19, "the general area of the Middle East" means the area between Libya on the west, Turkey on the north, Pakistan on the east, and Saudi-Arabia and Ethiopia on the south. Any attempt to be more precise, or to spell out the nations in the resolution itself, would raise further questions as to inclusions and omissions and would carry an inference of lack of American concern over nations not specifically named.

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7. USE OF THE ARMED FORCES (SEC. 2)

The joint committee gave extensive and serious consideration to the question of the use of American armed forces to repel Communist aggression in the Middle East. Various views were strongly held and vigorously expressed as to the constitutional powers of the President and of Congress in this respect and as to the proper constitutional procedure to be followed.

After exhaustive consideration of the principles and concepts involved by a vote of 15–13, the joint committee agreed to the following language:

> Furthermore, the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end, if the President determines the necessity thereof, the United States is prepared to use armed forces to assist any nation or group of nations requesting assistance against armed aggression from any country controlled by international communism: *Provided*, That such employment shall be consonant with the treaty obligations of the United States and with the Charter of the United Nations.

This language has the virtue of remaining silent on the question of the relationship between the Congress and the President with respect to the use of the Armed Forces for the objectives stated in the resolution.

At the same time this formulation makes clear the importance which the United States attaches to the Middle East and the determination of the United States to use armed force to resist Communist aggression in the area should any nation request such assistance.

The joint committee rejects the idea that, because the agreed language does not deal with the question of the scope of the President's authority, the language therefore may indicate a weakening of United States determination.

On this latter point, let there be no doubt. Although the joint committee was sharply divided as to the proper constitutional processes for the United States to follow in regard to the President's request, it was not divided at all as to the substantive policy involved. The joint committee strongly supports the policy announced by the President of using armed force, if necessary, to help nations in the Middle East resist overt Communist aggression. The joint committee has not the slightest doubt that, should such aggression occur and should American help be requested, help would be forthcoming promptly and forcefully.

On balance, the joint committee is of the opinion that the clear statement of policy in section 2 of the resolution as reported is preferable to a blanket authorization to the President to use the Armed Forces in this area. By declaring the policy of the United States, the resolution is actually stronger, in some respects, than a simple authorization to the President.

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9. CONCLUSION

The basic problems of the Middle East are of long standing and are the cause of inflamed passions which frequently lead to irrational points of view and to irresponsible actions. It is highly questionable whether these problems can be settled all at once in some kind of package agreement.

But to recognize the difficulties and long-term nature of the problems is not to justify postponing efforts to solve them.

It should be clearly understood that this proposed resolution taken by itself does not provide a definitive United States policy for the Middle East, nor is it so intended. All it provides is time in which to devise such a policy.

It is on this basis that the joint committee urges the Senate to approve the resolution promptly and the administration to press forward with well-considered plans to take advantage of the time gained by the resolution.

15. CUBAN RESOLUTION

(a) Public Law 87–733, approved October 3, 1962

JOINT RESOLUTION Expressing the determination of the United States with respect to the situation in Cuba

Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "to extend their system to any portion of this hemisphere as dangerous to our peace and safety"; and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union"; and

Whereas the international Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

(b) Legislative history

SITUATION IN CUBA [1]

At the end of August and early in September in 1962, when it became known that technicians and military supplies were being sent into Cuba by the Soviet Union, public attention was focused on Cuba.

By September 13, 1962, seven resolutions expressing the sense of the Senate regarding the Cuban situation had been introduced in the Senate. They were Senate Resolution 388 by Senator Mansfield; Senate Resolution 389 by Senator Javits; Senate Resolution 390 by Senator Bush; Senate Joint Resolution 224 by Senator Prouty; Senate Joint Resolution 226 by Senator Miller; Senate Joint Resolution 227 by Senator Prouty; and Senate Concurrent Resolution 92 by Senator Mansfield. That same day, September 13, the Senate agreed, by unanimous consent, to commit the resolutions to the Foreign Relations and Armed Services Committees sitting jointly. Subsequently, on September 18, Senator Scott introduced Senate Resolution 396.

On September 17 the two committees heard testimony in executive session from Secretary of State Rusk, State Department Legal Adviser Abram L. Chayes, Deputy Assistant Secretary of Defense William Bundy, and Senators Keating, Prouty, Smathers, and Miller.

The two committees met again in executive session on September 19 and agreed by a vote of 33 to 0 to report an original joint resolution, Senate Joint Resolution 230, to express the determination of the United States with regard to the Cuban situation. Senate Joint Resolution 230 stated the U.S. determination "to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere; to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination."

The Senate agreed to the joint resolution on September 20 and the House did likewise on September 26.

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[1] Legislative History of the Committee on Foreign Relations, 87th Cong., committee print, pp. 56–57.

LEGISLATIVE CHRONOLOGY

September 12, 1962.—Senate Joint Resolution 224, authorizing the President of the United States to employ the Armed Forces of the United States in order to protect the peace and security of the United States and the free world, introduced by Mr. Prouty and referred to Armed Services Committee.

September 13, 1962.—Senate Joint Resolution 226, reaffirming the principles of the Monroe Doctrine and authorizing and directing the President of the United States to take such action as is necessary to prevent any violation thereof, introduced by Mr. Miller; Senate Joint Resolution 227, authorizing the President of the United States to employ the Armed Forces of the United States in order to protect the peace and security of the United States and the free world, introduced by Mr. Prouty; Senate Resolution 388, supporting the President in the Cuban situation, introduced by Mr. Mansfield; Senate Resolution 389, expressing the sense of the Senate regarding Cuba, introduced by Mr. Javits; and Senate Resolution 390, expressing the sense of the Senate regarding Cuba, introduced by Mr. Bush (for himself and Mr. Keating); and all referred to the Foreign Relations and Armed Services Committees jointly.

September 14, 1962.—Senate Concurrent Resolution 92, supporting the President in the Cuban situation, introduced by Mr. Mansfield and referred to the Foreign Relations and Armed Services Committees jointly.

September 17, 1962.—Joint executive hearings. (Printed.)

September 18, 1962.—Senate Resolution 396, authorizing the President to use the Armed Forces of the United States where necessary to deal with the Communist buildup in Cuba, introduced by Mr. Scott and referred to Foreign Relations and Armed Services jointly.

September 19, 1962.—Executive session. Ordered reported an original joint resolution. Senate Joint Resolution 230, expressing the determination of the United States with respect to the situation in Cuba, introduced and reported by Mr. Sparkman. Senate Report 2111.

September 20, 1962.—Senate Joint Resolution 230 passed Senate. Vote, 86 to 1.

September 20, 1962.—House Joint Resolution 886 reported to House. House Report 2441.

September 26, 1962.—Senate Joint Resolution 230 passed House in lieu of House Joint Resolution 886. Vote, 384 to 7.

October 3, 1962.—Approved. Public Law 87–733.

(c) Senate Report 2111, September 19, 1962 (excerpts)

SITUATION IN CUBA

The Committee on Foreign Relations and the Committee on Armed Services, hereinafter referred to as the "joint committee," having had under consideration sundry resolutions relating to the situation in Cuba, report an original joint resolution, Senate Joint Resolution 230, to express the determination of the United States with regard to that situation, and recommend that it do pass.

I. PURPOSE AND PROVISIONS OF THE RESOLUTION

The purpose of the resolution is to provide a means of expressing national unity regarding U.S. policies toward Cuba. To this end, the resolution declares the determination of the United States—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

The joint committee recommends that this statement be passed in the form of a joint resolution which would require the signature of the President. Thus the determination expressed in the resolution would be joined in not only by the Congress but also by the President, who is the constitutional officer of the Government primarily responsible for the conduct of foreign affairs. The force of the declaration would accordingly be strengthened.

Furthermore, the use of a joint resolution makes it possible to avoid constitutional arguments over the relative powers of the President and the Congress respecting the use of American Armed Forces. These arguments have their place in American public life; but it is important in the current instance that they not obscure what the joint committee is convinced is the essential unity of purpose, not only of the Congress, but of the President and the American people as well.

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III. REASONS FOR THE RESOLUTION

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The situation in Cuba should be taken seriously, but not hysterically. The most dangerous aspect of the situation is the threat which the Cuban regime strengthened by the recent Soviet arms buildup, poses against the nearby Latin American countries of the Caribbean.

Paragraph (a) of the resolution is designed to prevent this threat from materializing through force or the threat of force. This is in accordance, not only with the clear self-interest of the United States, but also with the obligation we have undertaken in the Rio Treaty where it is agreed that "an armed attack by any state against an American state shall be considered as an attack against all the American states."

Existing military capabilities in Cuba do not endanger the security of the United States. Paragraph (b) of the resolution is designed to make sure that they do not in the future. It is of crucial importance that this point be clearly understood by the people of the United States and by the rulers of Havana and Moscow. If the Soviet Union attempts to install, or aids in the installation, in Cuba of military force capable of endangering the security of the United States, it will create a situation which the United States will not tolerate and which could have the gravest possible consequences. Paragraph (b) makes it clear that the United States will not flinch from these consequences. This determination of the United States having been made clear in advance, the onus of the situation, if it develops, will be on those who deliberately and knowingly created it.

Finally, in paragraph (c) the resolution affirms the determination of the United States "to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination." These aspirations are not only inherently legitimate in any people but the right to self-determination is embedded in the Charter of the OAS and in the principals of the inter-

American system. At the Punta del Este Conference in January 1962, it was recognized that the Communist regime of Cuba was incompatible with these principles. But just as clearly the OAS looks forward to the day when the people of Cuba can once again enjoy the rights of freedom with which all men are endowed by their Creator.

IV. CONCLUSION

The proposed resolution is solidly based on both the rights and the obligations of the United States under international law. It expresses the determination of the United States to meet its obligations under the Rio Treaty and other inter-American agreements toward the other free and sovereign Republic of the hemisphere. This will be done by isolating the Communist regime of Cuba and by supporting the right of self-determination.

The joint committee feels constrained to point out in this connection, however, that inter-American rights and obligations are reciprocal. The inter-American system is founded upon the principle of the juridical and sovereign equality of the member states. It is not a system in which all the obligations pertain to one party and all the rights pertain to the other parties. Nor can it survive if it is viewed in this light.

The resolution also asserts unassailable rights of the United States. The most elemental of these rights is that of self-defense, which comes into play whenever a situation presenting a clear and present danger to the security of the United States arises. Such a situation has not arisen, and it is one of the purposes of the resolution to keep it from arising.

In short, the resolution is firm but not threatening. It should have a salutary effect in removing any possible confusion about the policy of the United States, and the joint committee strongly recommends its overwhelming approval by the Senate without amendment.

16. BERLIN RESOLUTION

(a) House Concurrent Resolution 570, 87th Congress, passed October 10, 1962

CONCURRENT RESOLUTION

Whereas the primary purpose of the United States in its relations with all other nations is and has been to develop and sustain a just and enduring peace for all; and

Whereas it is the purpose of the United States to encourage and support the establishment of a free, unified, and democratic Germany; and

Whereas in connection with the termination of hostilities in World War II the United States, the United Kingdom, France, and the Soviet Union freely entered into binding agreements under which the four powers have the right to remain in Berlin, with the right of ingress and egress, until the conclusion of a final settlement with the Government of Germany; and

Whereas no such final settlement has been concluded by the four powers and the aforementioned agreements continue on force: Now, therefore, be it

Resolved by the House of Representatives (*the Senate concurring*), That it is the sense of the Congress—

(a) that the continued exercise of United States, British, and French rights in Berlin constitutes a fundamental political and moral determination;

(b) that the United States would regard as intolerable any violation by the Soviet Union directly or through others of those rights in Berlin, including the right of ingress and egress;

(c) that the United States is determined to prevent by whatever means may be necessary, including the use of arms, any violation of those rights by the Soviet Union directly or through others, and to fulfill our commitment to the people of Berlin with respect to their resolve for freedom.

(b) Legislative history

SITUATION IN BERLIN [1]

House Concurrent Resolution 570, which was passed by the House on October 5, 1962, and adopted by the Senate on October 10, 1962, reflected the views of the people of the United States on our continued right to remain in Berlin. The operative clauses of the concurrent resolution expressed the sense of Congress that the continued exercise of United States, British, and French rights in Berlin constituted a fundamental political and moral determination, and that the United States was determined to prevent by whatever means may be necessary, including the use of arms, any violation of those rights by the Soviet Union.

LEGISLATIVE CHRONOLOGY

September 26, 1962.—House Concurrent Resolution 570, expressing the sense of the Congress with respect to the situation in Berlin, introduced by Mr. Zablocki in House.

September 28, October 1, 2, and 3, 1962.—Public and executive hearings. (Not printed.)

October 3, 1962.—Reported to House. House Report 2523.

October 3, 1962.—Senate Concurrent Resolution 97 introduced by Mr. Javits (for himself and Mr. Morse).

October 5, 1962.—House Concurrent Resolution 570 passed House. Vote, 311–0.

October 8, 1962.—Referred to Foreign Relations Committee.

October 10, 1962.—Executive hearing. Senate Concurrent Resolution 97 reported to Senate with amendment. Senate Report 2288. Committee discharged from further consideration of House Concurrent Resolution 570. House Concurrent Resolution 570 passed by Senate.

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[1] Legislative History of the Committee on Foreign Relations, 87th Cong., committee print, p. 58.

(c) Senate Report 2288, October 10, 1962

EXPRESSING THE SENSE OF THE CONGRESS WITH RESPECT TO THE SITUATION IN BERLIN

The Committee on Foreign Relations having had under consideration Senate Concurrent Resolution 97, expressing the sense of the Congress with respect to the situation in Berlin, report the resolution favorably, with an amendment, and recommend that the resolution as amended be passed.

Senate Concurrent Resolution 97 was introduced on October 3, 1962, by Mr. Javits for himself and Mr. Morse. On October 5, 1962, the House of Representatives passed House Concurrent Resolution 570, which was identical to Senate Concurrent Resolution 97 with the exception of one word. The Senate resolution had expressed the sense of Congress that the continued exercise of United States, British, and French rights in Berlin constitutes a fundamental political and moral purpose. The House substituted for the word "purpose" the word "determination".

On October 10, the Committee on Foreign Relations met in executive session and gave consideration to the two resolutions pending before it. Without objection it was agreed to amend Senate Concurrent Resolution 97 to conform to the resolution passed by the House of Representatives and to report Senate Concurrent Resolution 97, as thus amended, to the Senate.

The committee believes that the resolution clearly and succinctly states the determination of the Congress and of the American people with respect to the determination of the United States to fulfill our commitments with respect to the freedom of the people of Berlin. This commitment is expressed in paragraph (c) in these words: "That the United States is determined to prevent by whatever means may be necessary, including the use of arms, any violation of those rights by the Soviet Union directly or through others, and to fulfill our commitment to the people of Berlin with respect to their resolve for freedom."

The committee recommends early and unanimous approval of this resolution by the Senate.

17. VIETNAM RESOLUTION (TONKIN GULF RESOLUTION)

(a) Public Law 88–408, approved August 10, 1964

JOINT RESOLUTION To promote the maintenance of international peace and security in southeast Asia

Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

SEC. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

(b) Legislative history

BACKGROUND

On August 2, 1964, the destroyer U.S.S. *Maddox*, while engaged in an electronics intelligence gathering operation off the coast of North Vietnam, was involved in an incident with North Vietnamese torpedo boats. Two days later, on the night of August 4, the U.S.S. *Maddox* and the U.S.S. *C. Turner Joy*, which had joined her after the earlier incident, were allegedly subjected to an attack by North Vietnamese torpedo boats. President Johnson retaliated by ordering air attacks against North Vietnamese PT boat bases and supporting facilities some 10 hours after the incident occurred.

On August 5, President Johnson sent a message to Congress asking for passage of a resolution "* * * expressing the unity and determination of the United States in supporting freedom and in protecting peace in Southeast Asia." The resolution could, the message said, "* * * state in the simplest terms the resolve and support of the Congress for action to deal appropriately with attacks against our Armed Forces and to defend freedom and preserve peace in Southeast Asia in accordance with the obligations of the United States under the Southeast Asia Treaty."

COMMITTEE ACTION

Senator Fulbright, for himself and Senators Hickenlooper, Russell, and Saltonstall, introduced, on August 5, the President's proposal as Senate Joint Resolution 189. The resolution was referred to the Committee on Foreign Relations and the Committee on Armed Services

jointly. A companion measure, House Joint Resolution 1145, was introduced the same day in the House of Representatives by Congressman Morgan.

The joint committee, which was presided over by Senator Fulbright, convened at 9:05 a.m. on August 6 in executive session, and heard as witnesses Secretary of State Dean Rusk, Secretary of Defense Robert S. McNamara, and Gen. Earle G. Wheeler, Chairman of the Joint Chiefs of Staff. The resolution was ordered reported by a vote of 31–1 (Senator Morse) without amendment. The committee recessed at 10:45 a.m.

SENATE ACTION

Debate began in the Senate the afternoon of August 6 and concluded the following day. No amendments were formally proposed, although Senator Nelson suggested one which would have, in part, stated that:

> Our continuing policy is to limit our role to the provision of aid, training assistance, and military advice, and it is the sense of Congress that, except when provoked to a greater response, we should continue to attempt to avoid a direct military involvement in the Southeast Asian conflict.

Senator Fulbright responded by saying that the amendment

> * * * states fairly accurately what the President has said would be our policy, and what I stated my understanding was as to our policy; also what other Senators have stated.

He went on to say that:

> The Senator has put into his amendment a statement of policy that is unobjectionable. However, I cannot accept the amendment under the circumstances. I do not believe it is contrary to the joint resolution, but it is an enlargement. I am informed that the House is now voting on this resolution. The House joint resolution is about to be presented to us. I cannot accept the amendment and go to conference with it, and thus take the responsibility for delaying matters.

The House of Representatives passed House Joint Resolution 1145 by a vote of 416–0 on August 7 and shortly after formal receipt of the resolution by the Senate later that afternoon it was adopted by a vote of 88–2 (Senators Gruening and Morse opposed).

On August 10, President Johnson signed the resolution and it became law.

LEGISLATIVE CHRONOLOGY

August 5, 1964.—Requested by the President. House Document 333.

August 5, 1964.—S.J. Res. 189 introduced by Mr. Fulbright (for himself, Mr. Hickenlooper, Mr. Russell, and Mr. Saltonstall) and referred to Foreign Relations and Armed Services Committees jointly.

August 5, 1964.—H.J. Res. 1145 introduced in House by Mr. Morgan.

August 6, 1964.—Joint executive hearings on S.J. Res. 189. (Not printed.) Reported 31–1. Senate Report 1329. General debate.

August 6, 1964.—H.J. Res. 1145 reported to House. House Report 1708.

August 7, 1964.—H.J. Res. 1145 passed House. 416–0. Passed Senate. 88–2.

August 10, 1964.—Approved. Public Law 88–408.

(c) Senate Report 1329, August 6, 1964 (excerpts)

PROMOTING THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY IN SOUTHEAST ASIA

The Committee on Foreign Relations and the Committee on Armed Services, hereinafter referred to as the "joint committee," having had under consideration Senate Joint Resolution 189 supporting the President's determination to repel any armed attack against U.S. forces in southeast Asia and to prevent further Communist attacks, report the resolution favorably and recommend that it be passed by the Senate.

PURPOSE OF THE RESOLUTION

The basic purpose of this resolution is to make it clear that the Congress approves the actions taken by the President to meet the attack on U.S. forces in southeast Asia by the Communist regime in North Vietnam. Full support by the Congress also is declared for the resolute policy enunciated by the President in order to prevent further aggression, or to retaliate with suitable measures should such aggression take place.

* * * * * * *

SCOPE OF THE RESOLUTION

Senate Joint Resolution 189 is patterned quite closely upon precedents afforded by similar resolutions: the Formosa resolution of 1955, the Middle East resolution of 1957, and the Cuba resolution of 1962.

The phrasing in section 2, "in accordance with its obligations under the Southeast Asia Collective Defense Treaty," comprehends the understanding in that treaty that the U.S. response in the context of article IV(1) is confined to Communist aggression. It should also be pointed out that U.S. assistance, as comprehended by section 2, will be furnished only on request and only to a signatory or a state covered by the protocol to the SEATO Treaty. The protocol states are Laos, Cambodia, and South Vietnam.

The language in section 3, which governs the termination of the resolution, combines the relevant provisions of the Formosa and Middle East resolutions.

JOINT COMMITTEE RECOMMENDATION

With only one dissenting vote, the joint committee endorsed the resolution and recommended its adoption by the Senate. Members of the committee expressed approval of the handling of the crisis in southeast Asia by the President and the Secretaries of State and Defense, by the Joint Chiefs of Staff, and by U.S. naval forces in the area of Vietnam.

On the basis of testimony submitted by the Secretaries of State and Defense and the Chairman of the Joint Chiefs of Staff, the committee was satisfied that the decision of the President to retaliate against the North Vietnamese gunboat attacks was both soundly conceived and skillfully executed. In the circumstances, the United States could not have done less and should not have done more.

C. PERTINENT EXCERPTS FROM COLLECTIVE DEFENSE TREATIES [1]

18. INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE (RIO TREATY), SEPTEMBER 2, 1947

PARTIES [2]

Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba,[3] the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, the United States of America, Uruguay, and Venezuela.

COLLECTIVE DEFENSE

"1. The High Contracting Parties agree that an armed attack by any State against an American State shall be considered as an attack against all the American States and, consequently, each one of the said Contracting Parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations.

"2. On the request of the State or States directly attacked and until the decision of the Organ of Consultation of the Inter-American System, each one of the Contracting Parties may determine the immediate measures which it may individually take in fulfillment of the obligation contained in the preceding paragraph and in accordance with the principle of continental solidarity. The Organ of Consultation shall meet without delay for the purpose of examining those measures and agreeing upon the measures of a collective character that should be taken.

"3. The provisions of this Article shall be applied in case of any armed attack which takes place within the region described in Article 4 or within the territory of an American State. When the attack takes place outside of the said areas, the provisions of Article 6 shall be applied.

"4. Measures of self-defense provided for under this Article may be taken until the Security Council of the United Nations has taken the measures necessary to maintain international peace and security." (ARTICLE 3)

* * * * * * *

"If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack or by an extra-

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[1] U.S. House of Representatives, Committee on Foreign Affairs, *Collective Defense Treaties with maps, texts of treaties, a chronology, status of forces Agreements and comparative chart.* Committee Print, 90th Congress, 1st sess., Apr. 10, 1967, pp. 2–14.

[2] Trinidad and Tobago signed the OAS Charter on Mar. 13, 1967, and deposited its ratification of the Charter on March 17, thus becoming a member of the Organization of American States. It has indicated its intention of signing the Protocol of amendment to the Charter as well as the Inter-American Treaty of Reciprocal Assistance in the very near future.

[3] The Organization of American States Foreign Ministers voted at Punta del Este (Jan. 22–31, 1962) to exclude "the present Government of Cuba" from participation in the inter-American system. (See p. 72.)

continental or intra-continental conflict, or by any other fact or situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent." (ARTICLE 6)

* * * * * * *

"For the purposes of this Treaty, the measures on which the Organ of Consultation may agree will comprise one or more of the following: recall of chiefs of diplomatic missions; breaking of diplomatic relations; breaking of consular relations; partial or complete interruption of economic relations or of rail, sea, air, postal, telegraphic, telephonic, and radiotelephonic or radiotelegraphic communications; *and use of armed force.*" (ARTICLE 8)

* * * * * *

"In addition to other acts which the Organ of Consultation may characterize as aggression, the following shall be considered as such:

"a. Unprovoked armed attack by a State against the territory, the people, or the land, sea or air forces of another State;

"b. Invasion, by the armed forces of a state, of the territory of an American State, through the trespassing of boundaries demarcated in accordance with a treaty, judicial decision, or arbitral award, or, in the absence of frontiers thus demarcated, invasion affecting a region which is under the effective jurisdiction of another State." (ARTICLE 9)

* * * * * *

"Decisions which require the application of the measures specified in Article 8 shall be binding upon all the Signatory States which have ratified this Treaty, with the sole exception that no State shall be required to use armed force without its consent." (ARTICLE 20)

TREATY AREA

"The region to which this Treaty refers is founded as follows: beginning at the North Pole; thence due south to a point 74 degrees north latitude, 10 degrees west longitude; thence by a rhumb line to a point 47 degrees 30 minutes north latitude, 50 degrees west longitude; thence by a rhumb line to a point 35 degrees north latitude, 60 degrees west longitude; thence due south to a point in 20 degrees north latitude; thence by a rhumb line to a point 5 degrees north latitude, 24 degrees west longitude; thence due south to the South Pole; thence due north to a point 30 degrees south latitude, 90 degrees west longitude; thence by a rhumb line to a point on the Equator at 97 degrees west longitude; thence by a rhumb line to a point 15 degrees north latitude, 120 degrees west longitude; thence by a rhumb line to a point 50 degrees north latitude, 170 degrees east longitude; thence due north to a point in 54 degrees north latitude; thence by a rhumb line to a point 65 degrees 30 minutes north latitude, 168 degrees 58 minutes 5 seconds west longitude; thence due north to the North Pole." (ARTICLE 4)

This description includes more than the land area of the parties to the treaty; it embraces both North and South America, including Canada, Greenland, the Arctic and Antarctic regions of the continents, as well as all the area lying between. (S. Ex. Rept. 11, 80th Cong., 1st sess., p. 5) In addition, the newly independent States of Jamaica, Trinidad and Tobago, Guyana, and Barbados fall within the defined region.

In addition to the region as defined, the treaty states that measures to be taken in the event of an armed attack thereon shall be applied if the armed attack is "within the territory of an American State" (par. 3, Art. 3). This includes more than the continental territory of the United States and of the other American states. It includes the State of Hawaii as well as the island of Guam and any other possessions abroad, since they all constitute a part of the "territory of an American State." Canada, while not a signatory state, is in cluded in the term "American State." Furthermore, if the armed attack is directed against an American State and takes place within the region described, it need not be against the territory of an American State but could take place anywhere within the region and might be against the land, sea, or air forces of such American State. (S. Ex. Rept. 11, 80th Cong., 1st sess., p. 5)

Honduras, at the time of the signing of the treaty, made a formal reservation concerning the boundary between itself and Nicaragua, which was included in the treaty. Guatemala, when it deposited its ratification, also made a formal reservation concerning the sovereignty of Belize (British Honduras) ; and upon Guatemala's declaration that the reservation did not intend to constitute any alteration of the treaty and that it was disposed to act within the limits of international agreements which it had accepted, the contracting states accepted the reservation.

In addition, Ecuador and Nicaragua included a statement and reservation respectively in their instruments of ratification; and, as part of the Final Act of the Rio Conference where this treaty was drawn, Argentina, Guatemala, Mexico, and Chile made formal statements on historic rights and claims to areas within the treaty area. The United States also made the following formal statement there:

"With reference to the reservations made by other Delegations concerning territories located within the region defined in the Treaty, their boundaries, and questions of sovereignty over them, the Delegation of the United States of America wishes to record its position that the Treaty of Rio de Janeiro has no effect upon the sovereignty, national or international status of any of the territories included in the region defined in Article 4 of the Treaty."

19. NORTH ATLANTIC TREATY (NATO), APRIL 1, 1949

PARTIES

Belgium, Canada, Denmark, Federal Republic of Germany, France, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Turkey, the United Kingdom, and the United States.

The French Government withdrew its forces committed to NATO commands and its personnel assigned to the staffs of those commands effective July 1, 1966, and has denounced the Paris Protoco, on the

Status of International Military Headquarters of August 28, 1952, effective March 31, 1967. In a preliminary aide-mémoire, delivered to its NATO allies on March 11, 1966, the French Government made the following statement (in translation):

"This * * * does not by any means lead the French Government to call into question the treaty signed at Washington on April 4, 1949. In other words, barring events in the coming years that might come to alter fundamentally the relations between the East and the West, it does not intend to avail itself, in 1969, of the provisions of Article 13 of the treaty and considers that the Alliance must continue as long as it appears necessary."

COLLECTIVE DEFENSE

"The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all; and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

"Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security." (ARTICLE 5)

TREATY AREA

"* * * an armed attack on one or more of the Parties is deemed to include an armed attack—

"(i) on the territory of any of the Parties in Europe or North America, on the Algerian Departments of France, on the territory of Turkey or on the islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer;

"(ii) on the forces, vessels or aircraft of any of the Parties, when in or over these territories or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the Treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer." (ARTICLE 6, as modified by Article 2 of the protocol on the accession of Greece and Turkey.)

The only outlying areas covered are the islands in the North Atlantice area, the Aleutian Islands, and the islands of the Canadian Arctic. (S. Ex. Rept. No. 8, 81st Cong., 1st session., p. 15.) Alaska, as a part of the territory of the United States in North America, is covered. Greenland, as part of the Kingdom of Denmark, and the Bahamas and Bermuda as "islands under the jurisdiction of any of the parties in the North Atlantic area north of the Tropic of Cancer" are likewise covered by that Treaty.

The three Algerian departments of France were an integral part of metropolitan France under its constitution at the time the North Atlantic Treaty was signed. However, Algeria became independent on July 3, 1962, and on January 16, 1963, the Council of NATO noted

that insofar as the formed Algerian departments of France are concerned, the relevant clauses of the North Atlantic Treaty had become inapplicable as from July 3, 1962. (NATO Press Release No. 63, Janary 24, 1963.)

The area, originally including the western part of the Mediterranean as well as the North Sea and most of the Gulf of Mexico by (S. Ex. Rept. No. 8, 81st Cong., 1st sess., p. 15), was broadened by the protocol on the accession of Greece and Turkey to include the forces, vessels and aircraft of the parties in the Eastern Mediterranean. (S. Ex. Rept. No. 1, 82d Cong., 2d sess., p.3.)

Also, the area was redefined by this protocol so that if in the future occupation forces in Europe of any of the parties ceased to be occupation forces, e.g., in Germany, but were still on European soil, they would still be covered by the Treaty in the event of an attack. (S. Ex. Rept. No. 1, 82d Cong., 2d sess., p. 4.)

20. TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN THE UNITED STATES AND JAPAN, JANUARY, 19, 1960

PARTIES

Japan and the United States.

COLLECTIVE DEFENSE

"Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes.

"Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security." (ARTICLE V)

The Agreed Minute to the Treaty concerning the islands administered by the United States under Article 3 of the Treaty of Peace with Japan [1] provides that in the event of an armed attack against these islands, the two countries will consult.

TREATY AREA

The Treaty contains no specific language defining the area covered. Article V, however, refers to "an armed attack against either Party *in the territories under the administration of Japan*" as "dangerous to its own peace and safety." [Italics supplied.]

Article X states that the treaty "shall remain in force until in the opinion of the Governments of the United States of America and

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[1] Article 3 of the Treaty of Peace with Japan named "Nansei Shoto south of 29 degrees north latitude (including the Ryukyu Islands and the Dalto Islands), Nanpo Shoto south of Sofu Gan (including the Bonin Islands, Rosario Island and the Volcano Islands) and Parece Vela and Marcus Island." On December 25, 1953, the United States returned to Japanese control the islands of the Amami Group, leaving under United States administration within the Ryukyu Islands only the prewar Okinawa Prefecture.

Japan there shall have come into force such United Nations arrangements as will satisfactorily provide for the maintenance of international peace and security *in the Japan area.*" [Italics supplied.]

Article VI provides—

"For the purpose of contributing to the security of Japan and the maintenance of international peace and security in the Far East, the United States of America is granted the use by its land, air and naval forces of facilities and areas in Japan."

An agreement under Article VI of the Treaty of Mutual Cooperation and Security, regarding facilities and areas and the status of United States Armed Forces, was signed at Washington on January 19, 1960, and entered into force on June 23, 1960.

21. SECURITY TREATY BETWEEN AUSTRALIA, NEW ZEALAND, AND THE UNITED STATES (ANZUS), SEPTEMBER 1, 1951

PARTIES

Australia, New Zealand, and the United States.

COLLECTIVE DEFENSE

"Each Party recognizes that an armed attack in the Pacific Area on any of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

"Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security." (ARTICLE IV)

TREATY AREA

"* * * an armed attack on any of the Parties is deemed to include an armed attack on the metropolitan territory of any of the Parties, or on the island territories under its jurisdiction in the Pacific or on its armed forces, public vessels or aircraft in the Pacific." (ARTICLE V)

22. MUTUAL DEFENSE TREATY BETWEEN THE UNITED STATES AND THE REPUBLIC OF THE PHILIPPINES, AUGUST 30, 1951

PARTIES

Republic of the Philippines and the United States.

COLLECTIVE DEFENSE

"Each Party recognizes that an armed attack in the Pacific Area on either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common dangers in accordance with its constitutional processes.

"Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security." (ARTICLE IV)

TREATY AREA

"* * * an armed attack on either of the Parties is deemed to include an armed attack on the metropolitan territory of either of the Parties, or on the island territories under its jurisdiction in the Pacific or on its armed forces, public vessels or aircraft in the Pacific." (ARTICLE V)

23. MUTUAL DEFENSE TREATY BETWEEN THE UNITED STATES AND THE REPUBLIC OF KOREA, OCTOBER 1, 1953

PARTIES

Republic of Korea and the United States.

COLLECTIVE DEFENSE

"Each Party recognizes that an armed attack in the Pacific area on either of the Parties in territories now under their respective administrative control, or hereafter recognized by one of the Parties as lawfully brought under the administrative control of the other, would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes." (ARTICLE III)

The Senate attached to its resolution of ratification the following understanding in connection with Article III:

"It is the understanding of the United States that neither party is obligated, under ARTICLE III of the above treaty, to come to the aid of the other except in case of an external armed attack against such party; nor shall anything in the present treaty be construed as requiring the United States to give assistance to Korea except in the event of an armed attack against territory which has been recognized by the United States as lawfully brought under the administrative control of the Republic of Korea."

* * * * * * *

"The Republic of Korea grants, and the United States of America accepts, the right to dispose United States land, air and sea forces in and about the territory of the Republic of Korea as determined by mutual agreement." (ARTICLE IV)

The Senate Committee on Foreign Relations noted in its report that "the testimony of administration witnesses made it clear that the United States would be under no obligation to station forces in South Korea under the treaty. The United States has the right to do so, if it determines that such action would be in its national security interest. The present political and military situation in Korea, however, makes it apparent that the stationing of United States Armed Forces

in the Republic of Korea will be in our national interests for the time being." (S. Ex. Rept. No. 1, 83d Cong., 2d sess., pp. 5–6.)

An agreement under Article IV of the Mutual Defense Treaty, regarding facilities and areas and the status of United States Armed Forces in the Republic of Korea was signed at Seoul on July 9, 1966, and entered into force on February 9, 1967.

TREATY AREA

No separate provision. Included in Article III—"territories now under their respective administrative control, or hereafter recognized by one of the parties as lawfully brought under the administrative control of the other".

The Senate Committee on Foreign Relations in its report on the treaty said in connection with this language: "It does not apply to territories not now under the administrative control of either party; it does not apply to territory which is not at some future time recognized by the United States as having been lawfully brought under the administrative control of the other party; nor does it apply to an armed attack initiated by either party." (S. Ex. Rept. No. 1, 83d Cong., 2d sess., pp. 3–4.)

24. SOUTHEAST ASIA COLLECTIVE DEFENSE TREATY (SEATO), SEPTEMBER 8, 1954

PARTIES

Australia, France, New Zealand, Pakistan, Republic of the Philippines, Thailand, the United Kingdom, and the United States.

NOTE.—By a protocol signed on the same date as the treaty (see p. 99), the states of Cambodia and Laos and the free territory under the jurisdiction of the State of Vietnam were designated for the purposes of Aricle IV, quoted below. Subsequently, Cambodia has indicated disinterest in the protection of the Southeast Asia Treaty. The Royal Government of Laos, in the Geneva Declaration on the Neutrality of Laos, signed July 23, 1962, declared that it will not "recognize the protection of any alliance or military coalition including SEATO" and the United States and other nations agreed to "respect the wish of the Kingdom of Laos not to recognize the protection of any alliance or military coalition, including SEATO."

COLLECTIVE DEFENSE

"I. Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

"2. If, in the opinion of any of the Parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any Party in the treaty area or of any other State or territory to which the provisions of paragraph 1 of this Article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order

to agree on the measures which should be taken for the common defense.

"3. It is understood that no action on the territory of any State designated by unanimous agreement under paragraph 1 of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned." (ARTICLE IV).

UNDERSTANDING OF THE UNITED STATES OF AMERICA (INCLUDED IN THE TREATY)

"The United States of America in executing the present Treaty does so with the understanding that its recognition of the effect of aggression and armed attack and its agreement with reference thereto in Article IV, paragraph 1, apply only to communist aggression but affirms that in the event of other aggression or armed attack it will consult under the provisions of Article IV, paragraph 2."

TREATY AREA

"As used in this Treaty, the 'treaty area' is the general area of Southeast Asia, including also the entire territories of the Asian Parties and the general area of the Southwest Pacific not including the Pacific area north of 21 degrees 30 minutes north latitude. The Parties may, by unanimous agreement, amend this Article to include within the treaty area the territory of any State acceding to this Treaty * * * or otherwise to change the treaty area." (ARTICLE VIII)

The basic area involved comprises Pakistan; Thailand; Laos, the free territory of Vietnam and Cambodia (by protocol); Malaysia; Australia and New Zealand; and the Philippines. (See NOTE above, under "Parties," concerning present status of Cambodia and Laos.) Although the United Kingdom is a party, Hong Kong is excluded because of the limiting clause—"not including the Pacific area north of 21 degrees 30 minutes north latitude"—a line running north of the Philippines. (S. Ex. Rept. No. 1, 84th Cong., 1st sess., p. 11.)

25. MUTUAL DEFENSE TREATY BETWEEN THE UNITED STATES AND THE REPUBLIC OF CHINA, DECEMBER 2, 1954

PARTIES

Republic of China and the United States.

COLLECTIVE DEFENSE

"Each Party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

"Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council

has taken the measures necessary to restore and maintain international peace and security." (ARTICLE V)

The Committee on Foreign Relations of the United States Senate, in its report on this treaty included the following statement to clarify the nature of the commitment in Article V:

"It is the understanding of the Senate that the obligations of the parties under article V apply only in the event of external armed attack; and that military operations by either party from the territories held by the Republic of China, shall not be undertaken except by joint agreement."

Such understanding reflects an agreement manifested in an exchange of notes dated December 10, 1954 (see p. 103), under which the use of force from the areas specified must be pursuant to joint agreement, except for emergency actions by way of self-defense. (S. Ex. Rept. No. 2, 84th Cong., 1st sess., p. 4.)

* * * * * * *

"The Government of the Republic of China grants, and the Government of the United States of America accepts, the right to dispose such United States land, air and sea forces in and about Taiwan and the Pescadores as may be required for their defense, as determined by mutual agreement." (ARTICLE VII.)

The Senate Report explained that "the administration made it clear that this provision did not impose on the United States an automatic or mandatory obligation" to dispose its forces in the area but that the United States is "free to station forces or not, as circumstances may indicate." (S. Ex. Rept. No. 2, p. 5.)

An agreement on the status of U.S. Armed Forces in the Republic of China was signed at Taipei on August 31, 1965, and entered into force on April 12, 1966.

TREATY AREA

"* * * the terms 'territorial' and 'territories' shall mean in respect of the Republic of China, Taiwan and the Pescadores; and in respect of the United States of America, the island territories in the West Pacific under its jurisdiction. The provisions of Articles II and V will be applicable to such other territories as may be determined by mutual agreement." (Article VI.)

Included in the "island territories in the West Pacific" are such groups as the Ryukyus (including Okinawa), the trust territories (former Japanese mandated islands), and Guam. (S. Ex. Rept. No. 2, 84th Cong., 1st sess., p. 5.)

To avoid any possible misunderstanding concerning the legal status of Taiwan (Formosa) and the Pescadores, the Senate Committee on Foreign Relations included the following statement in its report:

"It is the understanding of the Senate that nothing in the treaty shall be construed as affecting or modifying the legal status or sovereignty of the territories to which it applies." (S. Ex. Rept. No. 2, 84th Cong., 1st sess., p. 6.)

To avoid any doubts as to the nature of the "mutual agreement" required, the Senate Committee on Foreign Relations included the following in its report:

"It is the understanding of the Senate that the 'mutual agreement' referred to in article VI, under which the provisions of articles II and V may be made applicable to other territories, shall be construed as requiring the advice and consent of the Senate of the United States." (S. Ex. Rept. No. 2, 84th Cong., 1st sess., p. 5.)

26. EXCHANGE OF CORRESPONDENCE BETWEEN SENATOR J. W. FULBRIGHT AND THE DEPARTMENT OF STATE CONCERNING THE INDIVIDUAL OBLIGATIONS OF A SIGNATORY TO MUTUAL DEFENSE TREATIES, 1967 (EXCERPTS)

On August 1, 1967, the chairman of the Committee on Foreign Relations addressed the following question to the Secretary of State:

Of the 42 countries with which the United States has bilateral treaties or multilateral agreements for collective defense, in how many instances would the Executive Branch view as automatic the American commitment as one upon which the United States could act unilaterally—meaning that we view the obligation not only as collective but individual, as the Department has interpreted the SEATO Treaty?

On August 15, the Department replied in relevant part as follows:

Under each of our multilateral treaties, the commitment to extend assistance in the event of an armed attack is individual and requires no collective finding or decision by a multilateral organization. The Rio Treaty provides that in the event of an armed attack against an American state "*each* one of the said Contracting Parties undertakes to assist in meeting the attack." (Article 3(1), emphasis added). The Treaty goes on to provide that "*each one* of the Contracting Parties may determine the immediate measures which it may *individually* take" (Art. 3(2), emphasis added). In the North Atlantic Treaty, "*each*" of the signatories "in the exercise of the right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the party or parties attacked by taking forthwith, *individually* and in concert with the other parties, such action . . ." (Art. 5, emphasis added). In the Southeast Asia Collective Defense Treaty and in the Anzus Security Treaty "each party" agrees that "it" will act to meet the common danger (Art. IV in both). The same is true of the bilateral treaties with the Philippines, Korea, Republic of China and Japan. Thus, under each of these treaties there is an individual obligation independent of any collective action.

D. Existence of a National Emergency: Proclamation 2914 by President Truman, December 16, 1950 [1]

[NOTE: The proclamation is included in this compilation because S.J. Res. 166 (p. 22) proposes to establish a joint committee whose function would be to study the matter of terminating it.]

This proclamation is still in effect and has not been modified in any way by any Presidential action since its original issuance. Congress has taken no action to repeal or modify it. It may still be cited as the basis for Presidential action, if the action is otherwise grounded in the Constitution or in statutory authority, as, for example, in Executive Order 11037, July 20, 1962, where President Kennedy took action with respect to gold transactions (based on a 1917 act of Congress). The proclamation itself, it is believed, confers no new authority or power upon the President. However, since it is still in effect, it is sometimes cited as the occasion (but not the authority) for Presidential action. It is understood that the administration has sometimes cited this proclamation as a part of its reason for prosecuting the

[1] Federal Register, Dec. 19, 1950, p. 9020.

war in Vietnam as indicated by the following excerpt from the State Department position paper issued dated November 19, 1965:

2. A declaration of war does not seem necessary in order to provide emergency authority to the executive branch. Many laws become operative in time of national emergency or in time of war. Most of these are operative today by virtue of the state of emergency proclaimed by President Truman in December 1950. These laws give the executive branch increased power to deal with the problems in Vietnam as well as other areas of the world. For example, they include special authority with respect to the movement of aliens in and out of the United States; the Armed Forces, Reserves, and the National Guard; procurement of material for the services; transactions in foreign exchange; Government contracts; security and the protection of defense information; and defense transportation. A few emergency laws would not come into effect unless there were a declaration of national emergency or of war subsequent to the 1950 declaration of national emergency. However, there are only a few laws which can become operative only in time of war, and they have not been found necessary for the conduct of hostilities in Vietnam.[2]

WHEREAS recent events in Korea and elsewhere constitute a grave threat to the peace of the world and imperil the efforts of this country and those of the United Nations to prevent aggression and armed conflict; and

WHEREAS world conquest by communist imperialism is the goal of the forces of aggression that have been loosed upon the world; and

WHEREAS, if the goal of communist imperialism were to be achieved, the people of this country would no longer enjoy the full and rich life they have with God's help built for themselves and their children; they would no longer enjoy the blessings of the freedom of worshipping as they severally choose, the freedom of reading and listening to what they choose, the right of free speech including the right to criticize their Government, the right to choose those who conduct their Government, the right to engage freely in collective bargaining, the right to engage freely in their own business enterprises, and the many other freedoms and rights which are a part of our way of life; and

WHEREAS the increasing menace of the forces of communist aggression requires that the national defense of the United States be strengthened as speedily as possible:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do proclaim the existence of a national emergency, which requires that the military, naval, air, and civilian defenses of this country be strengthened as speedily as possible to the end that we may be able to repel any and all threats against our national security and to fulfill our responsibilities in the efforts being made through the United Nations and otherwise to bring about lasting peace.

I summon all citizens to make a united effort for the security and well-being of our beloved country and to place its needs foremost in thought and action that the full moral and material strength of the Nation may be readied for the dangers which threaten us.

I summon our farmers, our workers in industry, and our businessmen to make a mighty production effort to meet the defense requirements of the Nation and to this end to eliminate all waste and inefficiency and to subordinate all lesser interests to the common good.

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[2] U.S. Senate, Committee on Foreign Relations, *Background Information relating to Southeast Asia and Vietnam*, 5th revised edition. Committee Print, March 1969, pp. 177–178.

I summon every person and every community to make, with a spirit of neighborliness, whatever sacrifices are necessary for the welfare of the Nation.

I summon all State and local leaders and officials to cooperate fully with the military and civilian defense agencies of the United States in the national defense program.

I summon all citizens to be loyal to the principles upon which our Nation is founded, to keep faith with our friends and allies, and to be firm in our devotion to the peaceful purposes for which the United Nations was founded.

I am confident that we will meet the dangers that confront us with courage and determination, strong in the faith that we can thereby "secure the Blessings of Liberty to ourselves and our Posterity."

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 16th day of December (10:20 a.m.) in the year of our Lord nineteen hundred and fifty,

[SEAL] and of the Independence of the United States of America the one hundred and seventy-fifth.

HARRY S. TRUMAN.

By the President:
DEAN ACHESON,
Secretary of State.

[F.R. Doc. 50–12013; Filed, Dec. 16, 1950; 12:46 p.m.]

E. TEXTUAL COMPARISON OF LAWS CONCERNING PEACE AND SECURITY IN CERTAIN AREAS ABROAD

Viet-Nam (Public Law 88–408)

Whereas naval units of the Communist regime in Viet-Nam, in violation of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace;

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Viet-Nam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom:

Whereas the United States is assisting the peoples of Southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area but desires only that they should be left in peace to work out their own destinies in their own way: Now, therefore, be it

Cuba (Public Law 87–733)

Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "to extend their system to any portion of this hemisphere as dangerous to our peace and safety"; and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of the individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared:

Formosa (Public Law 84–4)

Whereas the primary purpose of the United States in its relations with all other nations, is to develop and sustain a just and enduring peace for all; and

Whereas certain territories in the West Pacific under the jurisdiction of the Republic of China are now under armed attack, and threats and declarations have been and are being made by the Chinese Communists that such armed attack is in aid of and in preparation for armed attack on Formosa and the Pescadores; and

Whereas such armed attack if continued would gravely endanger the peace and security of the West Pacific Area and particularly of Formosa and Pescadores; and

Whereas the secure possession by friendly governments of the Western Pacific Island chain, of which Formosa is a

Middle East (Public Law 85–7)

"The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extra-continental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union"; and

Whereas the international Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled:
The Congress approves and supports the determination of the President, as Commander-in-Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,
That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

part, is essential to the vital interests of the United States and all friendly nations in or bordering upon the Pacific Ocean; and

Whereas the President of the United States on January 6, 1955, submitted to the Senate for its advice and consent to ratification a Mutual Defense Treaty between the United States of America and the Republic of China, which recognizes that an armed attack in the West Pacific area directed against territories, therein described, in the region of Formosa and the Pescadores, would be dangerous to the peace and safety of the parties to the treaty: Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,
That the President of the United States be and he hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such related positions and territories of that area now

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Viet-Nam
(Public Law 88–408)—Continued

SEC. 2. The United States regards as vital to its national interest and to the world peace the maintenance of international peace and security in Southeast Asia. Consonant with the Constitution and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any protocol or member state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

Cuba
(Public Law 87–733)—Continued

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

Formosa
(Public Law 84–4)—Continued

in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores.

Middle East
(Public Law 85–7)—Continued

That the President be and hereby is authorized to cooperate with and assist any nation or group of nations in the general area of the Middle East desiring such assistance in the development of economic strength dedicated to the maintenance of national independence.

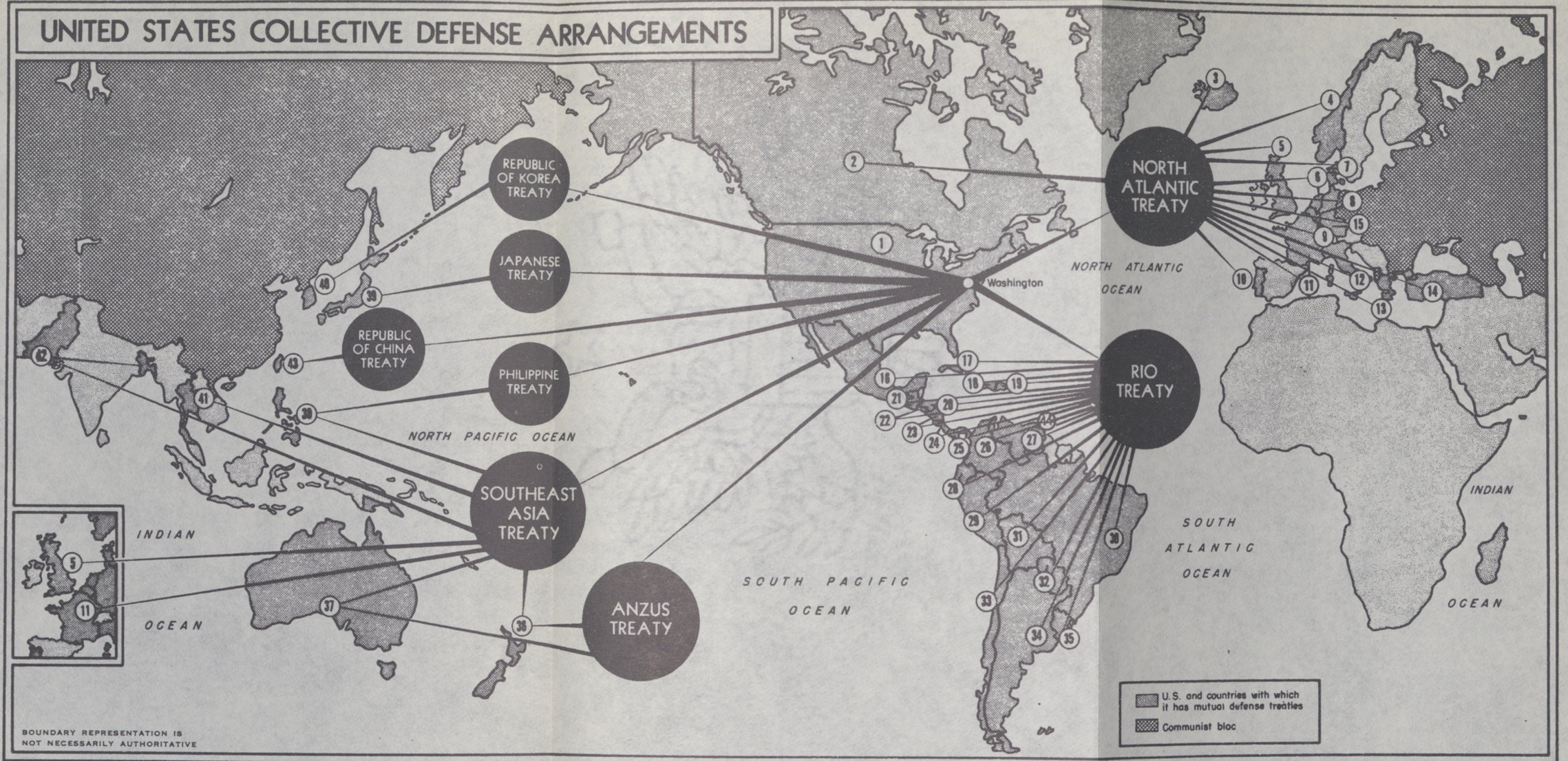
SEC. 2. The President is authorized to undertake in the general area of the Middle East, military assistance programs with any nation or group of nations of that area desiring such assistance. Furthermore, the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end, if the President determines the necessity thereof, the United States is prepared to use armed forces to assist any nation or group of such nations requesting assistance against armed aggression from any country controlled by international communism: *Provided*, That such employment shall be consonant with the treaty obligations of the United States and with the Constitution of the United States.

This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, and shall so report to the Congress, except that it may be terminated earlier by a concurrent resolution of the two Houses.

This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, and shall so report to the Congress.

This joint resolution shall expire when the President shall determine that the peace and security of the nations in the general area of the Middle East are reasonably assured by international conditions created by action of the United Nations or otherwise except that it may be terminated earlier by a concurrent resolution of the two Houses of Congress.

UNITED STATES COLLECTIVE DEFENSE ARRANGEMENTS



57001 9-67

NORTH ATLANTIC TREATY (15 NATIONS)

A treaty signed April 4, 1949, by which "the parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all; and . . . each of them . . . will assist the . . . attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary including the use of armed force . . ."

1 UNITED STATES
2 CANADA
3 ICELAND
4 NORWAY
5 UNITED KINGDOM
6 NETHERLANDS
7 DENMARK
8 BELGIUM
9 LUXEMBOURG
10 PORTUGAL
11 FRANCE
12 ITALY
13 GREECE
14 TURKEY
15 FEDERAL REPUBLIC OF GERMANY

RIO TREATY (22 NATIONS)

A treaty signed September 2, 1947, which provides that an armed attack against any American State "shall be considered as an attack against all the American States and . . . each one . . . undertakes to assist in meeting the attack . . ."

1 UNITED STATES
16 MEXICO
17 CUBA
18 HAITI
19 DOMINICAN REPUBLIC
20 HONDURAS
21 GUATEMALA
22 EL SALVADOR
23 NICARAGUA
24 COSTA RICA
25 PANAMA
26 COLOMBIA
27 VENEZUELA
28 ECUADOR
29 PERU
30 BRAZIL
31 BOLIVIA
32 PARAGUAY
33 CHILE
34 ARGENTINA
35 URUGUAY
44 TRINIDAD AND TOBAGO

ANZUS (Australia–New Zealand–United States) TREATY (3 NATIONS)

A treaty signed September 1, 1951, whereby each of the parties "recognizes that an armed attack in the Pacific Area on any of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes."

1 UNITED STATES
36 NEW ZEALAND
37 AUSTRALIA

PHILIPPINE TREATY (BILATERAL)

A treaty signed August 30, 1951, by which the parties recognize "that an armed attack in the Pacific Area on either of the Parties would be dangerous to its own peace and safety" and each party agrees that it will act "to meet the common dangers in accordance with its constitutional processes."

1 UNITED STATES
38 PHILIPPINES

JAPANESE TREATY (BILATERAL)

A treaty signed January 19, 1960, whereby each party "recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes." The treaty replaced the security treaty signed September 8, 1951.

1 UNITED STATES
39 JAPAN

REPUBLIC OF KOREA (South Korea) TREATY (BILATERAL)

A treaty signed October 1, 1953, whereby each party "recognizes that an armed attack in the Pacific area on either of the Parties . . . would be dangerous to its own peace and safety" and that each Party "would act to meet the common danger in accordance with its constitutional processes."

1 UNITED STATES
40 REPUBLIC OF KOREA

SOUTHEAST ASIA TREATY (8 NATIONS)

A treaty signed September 8, 1954, whereby each Party "recognizes that aggression by means of armed attack in the treaty area against any of the Parties . . . would endanger its own peace and safety" and each will "in that event act to meet the common danger in accordance with its constitutional processes."

1 UNITED STATES
5 UNITED KINGDOM
11 FRANCE
36 NEW ZEALAND
37 AUSTRALIA
38 PHILIPPINES
41 THAILAND
42 PAKISTAN

REPUBLIC OF CHINA (Formosa) TREATY (BILATERAL)

A treaty signed December 2, 1954, whereby each of the parties "recognizes that an armed attack in the West Pacific Area directed against the territories of either of the Parties would be dangerous to its own peace and safety," and that each "would act to meet the common danger in accordance with its constitutional processes." The territory of the Republic of China is defined as "Taiwan (Formosa) and the Pescadores."

1 UNITED STATES
43 REPUBLIC OF CHINA (FORMOSA)

39-347 O - 70 (Follows text)